

STATE OF CALIFORNIA

# **CALIFORNIA LAW REVISION COMMISSION**

2001-2002 Annual Report

California Law Revision Commission  
4000 Middlefield Road, Room D-1  
Palo Alto, CA 94303-4739

# CALIFORNIA LAW REVISION COMMISSION

## COMMISSION MEMBERS

JOYCE G. COOK  
*Chairperson*

BION M. GREGORY  
*Legislative Counsel*

BILL MORROW  
*Senate Member*

DAVID HUEBNER  
*Member*

SANFORD M. SKAGGS  
*Member*

HOWARD WAYNE  
*Assembly Member — Vice Chairperson*

## COMMISSION STAFF

### Legal

NATHANIEL STERLING  
*Executive Secretary*

STAN ULRICH  
*Assistant Executive Secretary*

BARBARA S. GAAL  
*Staff Counsel*

BRIAN P. HEBERT  
*Staff Counsel*

LYNNE I. URMAN  
*Staff Counsel*

### Administrative-Secretarial

KATHLEEN D. WILSON  
*Administrative Assistant*

VICTORIA V. MATIAS  
*Secretary*

## NOTE

The Commission's reports, recommendations, and studies are published in separate pamphlets that are later bound in hardcover form. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound, which permits citation to Commission publications before they are bound.

This publication (#211) will appear in Volume 31 of the Commission's *Reports, Recommendations, and Studies*.

Commission publications and other materials are available on the Internet at [www.clrc.ca.gov](http://www.clrc.ca.gov).

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## SUMMARY OF WORK OF COMMISSION

### **Recommendations Enacted in the 2001 Legislative Session**

In 2001, nine bills effectuating the Commission's recommendations were enacted, relating to the following subjects:

- Estate planning during marital dissolution
- Administrative rulemaking cleanup
- Rulemaking under Penal Code Section 5058
- Health Care Decisions Law miscellaneous revisions
- Early disclosure of valuation data and resolution of issues in eminent domain
- Law library board in unified court
- Repeal of expired pilot projects
- Civil procedure technical corrections
- Appointment of receiver
- Unnecessary procedural differences between limited and unlimited civil cases

### **Recommendations to the 2002 Legislature**

In 2002, the Commission plans to submit recommendations on the following subjects to the Legislature:

- Mechanic's lien law
- Stay of mechanic's lien enforcement pending arbitration
- Rules of construction for trusts
- Statutes made obsolete by trial court restructuring
- Cases in which a court reporter is required
- Municipal bankruptcy
- Debtor-creditor law technical revisions
- Prejudgment deposit appraisal in eminent domain

The Commission may submit additional recommendations if work is completed in time to enable their introduction during the legislative session.

**Commission Activities Planned for 2002**

During 2002, the Commission will work on the following major topics: continuing study of obsolete provisions resulting from trial court restructuring, common interest development law, discovery improvements from other jurisdictions, review of criminal procedures under trial court unification, the Uniform Unincorporated Nonprofit Association Act, and the Uniform Trust Code. The Commission will also consider other subjects to the extent time permits.

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STATE OF CALIFORNIA

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## CALIFORNIA LAW REVISION COMMISSION

4000 MIDDLEFIELD ROAD, ROOM D-1  
PALO ALTO, CA 94303-4739  
650-494-1335

JOYCE G. COOK, Chairperson  
ASSEMBLY MEMBER HOWARD WAYNE, Vice Chairperson  
BION M. GREGORY  
DAVID HUEBNER  
SENATOR BILL MORROW  
SANFORD M. SKAGGS

November 15, 2001

To: The Honorable Gray Davis  
*Governor of California*, and  
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission herewith submits this report of its activities during 2001 and its plans for 2002.

Nine bills introduced in 2001 to effectuate Commission recommendations were enacted.

The Commission is grateful to the members of the Legislature who carried Commission-recommended bills:

- Senator William “Pete” Knight (expired pilot projects)
- Senator Bill Morrow (civil procedure technical corrections; appointment of receiver; rulemaking under Penal Code Section 5058; resolution of authority)
- Assembly Member Dario Frommer (unnecessary procedural differences between limited and unlimited civil cases)
- Assembly Member Tom Harman (estate planning during marital dissolution)
- Assembly Member Lou Papan (early disclosure of valuation data and resolution of issues in eminent domain; law library board in unified court)
- Assembly Member Howard Wayne (Health Care Decisions Law miscellaneous revisions)

The Commission held four two-day meetings and three one-day meetings during 2001. Meetings were held in Los Angeles, Sacramento, San Diego, and San Francisco.

Respectfully submitted,

Joyce G. Cook  
*Chairperson*

## 2001-2002 ANNUAL REPORT

### Introduction

The California Law Revision Commission was created in 1953 as the permanent successor to the Code Commission and given responsibility for a continuing substantive review of California statutory and decisional law.<sup>1</sup> The Commission studies the law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission assists the Legislature in keeping the law up to date by:

- Intensively studying complex and sometimes controversial subjects
- Identifying major policy questions for legislative attention
- Gathering the views of interested persons and organizations
- Drafting recommended legislation for legislative consideration

The Commission's efforts enable the Legislature to focus on significant policy questions in a recommendation rather than on the technical issues, which can be resolved in the process of preparing background studies, working out intricate legal problems, and drafting implementing legislation. The Commission thus helps the Legislature accomplish needed reforms that otherwise might not be made because of the heavy demands on legislative time. In some cases, the Commission's report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission consists of:

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

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1. See Gov't Code §§ 8280-8298 (statute establishing Law Revision Commission) (Appendix 1 *infra* p. 31). See also *1955 Report* [Annual Report for 1954] at 7, 1 Cal. L. Revision Comm'n Reports (1957).

The Commission may study only topics that the Legislature has authorized. The Commission now has a calendar of 20 topics.<sup>2</sup>

The Commission has submitted 334 recommendations to the Legislature — 314 have been enacted in whole or in substantial part.<sup>3</sup> Commission recommendations have resulted in the enactment of legislation affecting 19,933 sections of California law: 3,743 sections amended, 9,072 sections added, and 7,118 sections repealed.

The Commission's recommendations, reports, and other selected materials are published in softcover and later collected in hard-cover volumes. Recent materials are also available through the Internet. A list of past publications and information on obtaining copies are at the end of this Annual Report.<sup>4</sup>

## **2002 Legislative Program**

In 2002, the Commission plans to submit recommendations to the Legislature concerning the following subjects:

### **Civil Procedure and Judicial Administration**

*Statutes Made Obsolete by Trial Court Restructuring.* The Commission will recommend amendment or repeal of numerous statutes made obsolete by restructuring of the trial court system as a result of trial court unification, state funding of trial courts, and enactment of the Trial Court Employment Protection and Governance Act.

*Cases in Which Court Reporter Is Required.* The Commission will recommend revisions to consolidate the rules governing when a court reporter must be provided in civil and criminal cases. Non-substantive revisions would also be made to clarify the application of the statute, consistent with existing law.

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2. See list of topics in *Calendar of Topics Authorized for Study*, Appendix 2 *infra* p. 37.

3. See *Legislative Action on Commission Recommendations*, Appendix 3 *infra* p. 41.

4. See *Commission Publications*, Appendix 10 *infra* p. 87.

**Debtor-Creditor Law**

*Debtor-Creditor Law Technical Revisions.* The Commission will recommend revisions in the statutes relating to claim and delivery, attachment, and enforcement of judgments to address a number of procedural issues.

*Municipal Bankruptcy.* The Commission will recommend updating state statutes authorizing public entities to file for bankruptcy protection under the federal Bankruptcy Code.

**Eminent Domain**

*Prejudgment Deposit Appraisal in Eminent Domain.* The Commission will recommend that a prejudgment deposit appraisal may be used for impeachment purposes with respect to the trial valuation testimony of the appraiser who prepared the prejudgment deposit appraisal.

**Estate Planning, Probate, and Trusts**

*Rules of Construction for Trusts.* The Commission will recommend limitations on, and improvements of, the rules governing construction of wills as applied to trusts and other instruments.

**Mechanic's Liens**

*Mechanic's Lien Law.* The Commission will recommend revisions to address the double payment problem arising under home improvement contracts and will also propose a general technical revision and reorganization of the mechanic's lien law.

*Stay of Mechanic's Lien Enforcement Pending Arbitration.* The Commission will recommend revisions to simplify and improve the procedure for obtaining a stay of a mechanic's lien foreclosure action pending arbitration.

**Major Studies in Progress**

During 2002, the Commission will work on the following major topics: continuing study of obsolete provisions resulting from trial court restructuring, common interest development law, discovery improvements from other jurisdictions, review of criminal procedures under trial court unification, the Uniform Unincorporated Nonprofit Association Act, and the Uniform Trust Code. The

Commission will also consider other subjects to the extent time permits.

### **Statutes Made Obsolete by Trial Court Restructuring**

The Legislature has directed the Commission to recommend repeal of statutes made obsolete by the Trial Court Employment Protection and Governance Act, the Lockyer-Isenberg Trial Court Funding Act of 1997, and the implementation of trial court unification. The Commission's report is due by January 1, 2002. The Commission will recommend amendment or repeal of numerous statutes. However, there remain many others that require further study due to their complexity or as a result of the failure of stakeholders to agree on policy, or simply because more time is needed to adequately address them. The Commission will recommend repeal of the statutory deadline and plans to continue work in this area.

### **Common Interest Development Law**

The Commission will review the statutes affecting common interest housing developments with the goal of setting a clear, consistent, and unified policy regarding their formation and management and the transaction of real property interests located within them. The objective of the review is to clarify the law and eliminate unnecessary or obsolete provisions, to consolidate existing statutes in one place in the codes, and to determine to what extent common interest developments should be subject to regulation. During 2002 the Commission will give priority to issues involving nonjudicial resolution of intra-association disputes and due process in association decisionmaking.

### **Discovery Improvements from Other Jurisdictions**

The Commission in 2002 will review discovery developments in other jurisdictions to determine whether any of them may be appropriate models for improvement of discovery practice in California. Professor Gregory Weber of McGeorge Law School has prepared a background study for the Commission, which the Commission has circulated for comment.

**Review of Criminal Procedures Under Trial Court Unification**

The Commission is conducting a review of basic court procedures under unification. In 2002, the Commission will begin a study to determine what, if any, changes should be made with respect to criminal procedures. The Commission has retained Professor Gerald Uelmen of Santa Clara University Law School to prepare a background study.

**Uniform Unincorporated Nonprofit Association Act**

The Commission has commenced work on a project to determine whether the Uniform Unincorporated Nonprofit Association Act should be adopted in California in whole or in part. The Commission is assisted by Professor Michael Hone of the University of San Francisco Law School. The Commission is working closely with the State Bar Nonprofit Organizations Committee.

**Uniform Trust Code**

The Commission in 2002 will begin a review of the Uniform Trust Code (2000) to determine whether any of its provisions that differ from California law should be adopted here. The Commission has engaged Professor David English of the University of Missouri Law School (Reporter for the Uniform Trust Code) to prepare a comparison of the uniform code with California law.

**Other Subjects**

The major studies in progress described above will dominate the Commission's time and resources during 2002. The Commission will consider other subjects as time permits, including civil and appellate jurisdiction issues resulting from trial court unification, Evidence Code changes required by electronic communications, general assignments for the benefit of creditors, exhaustion of remedies and ripeness issues in inverse condemnation litigation, shifting of attorney fees between litigants, and statutes of limitation in legal malpractice actions.

### **Calendar of Topics for Study**

The Commission's calendar of topics is set out in Appendix 2.<sup>5</sup> The Commission recommends no revision of its calendar in 2002.

### **Function and Procedure of Commission**

The principal duties of the Commission<sup>6</sup> are to:

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,<sup>7</sup> bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.
- (3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.<sup>8</sup>

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study.<sup>9</sup> However, the Commission may study and recommend revisions to correct technical or minor substantive

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5. See *infra* p. 37.

6. Gov't Code §§ 8280-8298 (statute governing California Law Revision Commission). See Appendix 1 *infra* p. 31.

7. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. See Gov't Code § 8261. The Commission's Executive Secretary serves as an Associate Member of the National Conference of Commissioners on Uniform State Laws.

8. Gov't Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the California Supreme Court or the United States Supreme Court. Gov't Code § 8290. See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra* p. 28.

9. Gov't Code § 8293.



defects in state statutes without a prior concurrent resolution.<sup>10</sup> Additionally, some statutes directly confer authority to study particular subjects.<sup>11</sup>

### Background Studies

The Commission's work on a recommendation typically begins after a background study has been prepared. The background study may be prepared by a member of the Commission's staff or by a specialist in the field who is retained as a consultant.<sup>12</sup> Law profes-

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10. Gov't Code § 8298.

11. Code of Civil Procedure Section 703.120 requires the Commission to review statutes providing for exemptions from enforcement of money judgments every 10 years and to recommend any needed revisions. The next report will be due in 2003.

Government Code Section 70219 requires the Commission, in consultation with the Judicial Council, to perform follow-up studies taking into consideration the experience in courts that have unified. For a list of specific studies, see *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 82-86 (1998). For a status update, see *Trial Court Unification: Issues Identified for Future Study*, 30 Cal. L. Revision Comm'n Reports 507 (2000).

Government Code Section 71674 requires the Commission to recommend repeal of provisions made obsolete by the Trial Court Employment Protection and Governance Act (Gov't Code § 71600 *et seq.*), Lockyer-Isenberg Trial Court Funding Act of 1997 (1997 Cal. Stat. ch. 850), and the implementation of trial court unification.

Statutory authority may not be codified. See, e.g., 1996 Cal. Stat. ch. 856, § 12 (study of revisions of Public Utilities Code resulting from utility deregulation, in consultation with Public Utilities Commission).

12. The following persons serve as Commission consultants: James E. Acret, Thelen, Reid & Priest, Pacific Palisades; Prof. Robert P. Alford, Pepperdine University School of Law; Prof. Michael Asimow, UCLA Law School; Prof. David M. English, University of Missouri Law School; Prof. Susan F. French, UCLA Law School; David Gould, McDermott, Will & Emery, Los Angeles; Brian Gurwitz, Deputy District Attorney, Orange County; Prof. Edward C. Halbach, Jr., Berkeley; Judge Joseph B. Harvey (ret.), Susanville; Keith Honda, Principal Administrative Analyst, Monterey County; Prof. Michael Hone, University of San Francisco School of Law; Gordon Hunt, Hunt, Ortmann, Blasco, Palffy & Rossell, Pasadena; Prof. Gideon Kanner, Berger & Norton, Burbank (formerly with Loyola Law School); Prof. J. Clark Kelso, McGeorge School of Law, Institute for Legislative Practice; Prof. William M. McGovern, UCLA Law School; Prof. Miguel A. Mendez, Stanford Law School; Mark Overland, Overland & Gits, Santa Monica; Prof. Frederick Tung, University of San Francisco School of Law; Prof. Gerald F. Uelmen, Santa Clara University School of

sors and practicing attorneys who serve as consultants have already acquired the considerable knowledge necessary to understand the specific problems under consideration, and they receive little more than an honorarium for their services. From time to time, expert consultants are also retained to advise the Commission at meetings.

### **Recommendations**

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to interested persons and organizations, including the State Bar, local and specialized bar associations, public interest organizations, and business and professional associations. Notice of the availability of the tentative recommendation is mailed to interested persons on the Commission's mailing list and publicized in legal newspapers and other relevant publications. Notice is also posted on the Commission's website and emailed to interested persons.

Comments received on the tentative recommendation are considered by the Commission in determining what recommendation, if any, will be made to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation<sup>13</sup> to the Legislature (including a draft of any necessary legislation) is published and distributed in printed form and in digital form on the Internet. If a background study has been prepared in connection with the recommendation, it may be published by the Commission or in a law review.<sup>14</sup>

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Law; Prof. Gregory S. Weber, McGeorge School of Law; Judge David S. Wesley, Los Angeles Superior Court.

13. Occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission. Dissents are noted in the minutes of the meeting at which the recommendation is approved.

14. For relatively recent background studies published in law reviews, see Asimow, *The Scope of Judicial Review of Decisions of California Administrative Agencies*, 42 UCLA L. Rev. 1157 (1995); Asimow, *Toward a New California Administrative Procedure Act: Adjudication Fundamentals*, 39 UCLA L. Rev. 1067 (1992); Kasner, *Donative and Interspousal Transfers of Community Property in California: Where We Are (or Should Be) After MacDonald*, 23 Pac. L.J. 361 (1991). A revised version of Prof. Fellmeth's background study on unfair competition litigation was published as Fellmeth, *Unfair Competition Act*

## Official Comments

The Commission ordinarily prepares an official Comment explaining each section it recommends for enactment, amendment, or repeal. These Comments are included in the Commission's printed recommendations. Comments may be revised by the Commission in later reports to reflect amendments made in the legislative process.<sup>15</sup> Reports provide background with respect to Commission intent in proposing the legislation, such intent being reflected in the Comments to the various sections of the bill contained in the Commission's recommendation, except to the extent that new or revised Comments are set out in the report on the bill as amended.<sup>16</sup>

A Comment indicates the derivation of a section and often explains its purpose, its relation to other sections, and potential

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*Enforcement by Agencies, Prosecutors, and Private Litigants: Who's on First?*, 15 Cal. Reg. L. Rep. 1 (Winter 1995).

For a list of background studies published in law reviews before 1991, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971); 11 Cal. L. Revision Comm'n Reports 1008 n.5, 1108 n.5 (1973); 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976); 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982); 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984); 18 Cal. L. Revision Comm'n Reports 212 n.17, 1713 n.20 (1986); 19 Cal. L. Revision Comm'n Reports 513 n.22 (1988); 20 Cal. L. Revision Comm'n Reports 198 n.16 (1990).

15. Many amendments are made on Commission recommendation to address matters brought to the Commission's attention after publication of its recommendation. In some cases, however, a bill may be amended in a way that the Commission believes is not desirable and does not recommend.

16. For an example of such a report, see Appendix 4 *infra* p. 67. Reports containing new or revised Comments are printed in the next Annual Report following enactment of a recommendation, and may be found by reference to the *Cumulative Table of Sections Affected by Commission Recommendations* included in each bound volume of the Commission's reports. For a description of legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App. 3d 877, 884, 109 Cal. Rptr. 421, 426 (1973).

On rare occasions, the Commission will approve revised Comments to make important editorial changes or correct obvious errors in past Comments, or where Comments have become inaccurate due to changes in cross-referenced provisions or other revisions. See, e.g., *Report of the California Law Revision Commission on Corrected Probate Code Comments*, Appendix 8 to the *Annual Report for 1991*, 21 Cal. L. Revision Comm'n Reports 1, 75 (1991).

issues concerning its meaning or application. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions.<sup>17</sup> However, while the Commission endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every inconsistent case is noted in the Comments, nor can it anticipate judicial conclusions as to the significance of existing case authorities.<sup>18</sup> Hence, failure to note a change in prior law or to refer to an inconsistent judicial decision is not intended to, and should not, influence the construction of a clearly stated statutory provision.<sup>19</sup>

Comments are provided to legislative committee members and staff before a bill is heard and throughout the legislative process.

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17. E.g., *People v. Martinez*, 22 Cal. 4th 106, 129, 990 P.2d 563, 91 Cal. Rptr. 2d 687, 704 (2000); *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968); *Catch v. Phillips*, 73 Cal. App. 4th 648, 654-55, 86 Cal. Rptr. 2d 584, 588 (1999). See also *Milligan v. City of Laguna Beach*, 34 Cal. 3d 829, 831, 670 P.2d 1121, 1122, 196 Cal. Rptr. 38, 39 (1983); *Juran v. Epstein*, 23 Cal. App. 4th 882, 893-94, 28 Cal. Rptr. 2d 588, 594 (1994); *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993). The Commission concurs with the opinion of the court in *Juran* that staff memorandums to the Commission should not be considered as legislative history. *Id.* at 894 n.5, 28 Cal. Rptr. 2d at 594 n.5.

Courts may also rely on the explanatory text of a Commission recommendation. See, e.g., *Vournas v. Fidelity Nat'l Title Ins. Co.*, 73 Cal. App. 4th 668, 673 n.4, 86 Cal. Rptr. 2d 490, 493-94 n.4 (1999). In a recent case, the Supreme Court gave weight to a Commission recommendation, as the "opinion of a learned panel," even though the recommendation has not been enacted. *Sierra Club v. San Joaquin Local Agency Formation Comm'n*, 21 Cal. 4th 489, 502-03, 981 P.2d 543, 87 Cal. Rptr. 2d 701, 711-12 (1999).

Commission Comments are published by Lexis Law Publishers and West Publishing Company in their print and CD-ROM editions of the annotated codes, and printed in selected codes prepared by other publishers. Comments are also available on Westlaw and Lexis.

18. See, e.g., *Arellano v. Moreno*, 33 Cal. App. 3d 877, 109 Cal. Rptr. 421 (1973).

19. The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal. 3d 150, 158-59, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-54 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973); 1974 Cal. Stat. ch. 227.

Comments are provided to the Governor's office once a bill has passed the Legislature and is before the Governor for action.

### **Publications**

Commission publications are distributed to the Governor, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.<sup>20</sup> Commission materials are also distributed to interest groups, lawyers, law professors, courts, district attorneys, and law libraries throughout the state. A large number of interested persons is given an opportunity to study and comment on the Commission's work before it is considered for enactment by the Legislature.<sup>21</sup>

The Commission's reports, recommendations, and studies are republished in hardcover volumes that serve as a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of California.<sup>22</sup> These volumes are available at many county law libraries and at some other libraries. Over half of the hardcover volumes are out of print, but others are available for purchase.<sup>23</sup>

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20. See Gov't Code § 8291 (for limitations on Section 8291, see Gov't Code 9795, 11094-11099).

21. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A. J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965). See also Quillinan, *The Role and Procedures of the California Law Revision Commission in Probate and Trust Law Changes*, 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987).

22. In a recent letter, Peter M. Detwiler, Staff Director of the Senate Committee on Local Government, wrote the following about the Commission's work:

In the early 1980's, while researching a bill analysis on eminent domain, I discovered your Commission's report on that topic. That carefully detailed explanation was my model for compiling *Parks, Progress, and Public Policy*. A section-by-section presentation and commentary on a statute, along with source and disposition tables can be a tremendous resource for those who come after us. It helps answer the future question, "What were they thinking?"

Thanks for setting a high professional standard for the rest of us.

23. See *Commission Publications*, Appendix 10 *infra* p. 87.

**Electronic Publication and Internet Access**

Since June 1995, the Commission has provided a variety of information on the Internet, including online material and downloadable files.<sup>24</sup> Interested persons with Internet access can find the current agenda, meeting minutes, background studies, tentative and final recommendations, staff memorandums, and general background information.

**Electronic Mail**

Email commenting on Commission proposals or suggesting issues for study is given the same consideration as letter correspondence, if the email message includes the name and regular mailing address of the sender. Email to the Commission may be sent to *commission@clrc.ca.gov* or to *staff@clrc.ca.gov*.

The Commission distributes about two-thirds of its tentative and final meeting agendas through email and also gives notice of the availability of tentative recommendations and printed reports by email. The Commission encourages use of email as an inexpensive and expedient means of communication with the Commission.

**MCLE Credit**

The Commission is approved by the State Bar of California as a minimum continuing legal education provider. Participants and attendees at Commission meetings may be eligible to receive MCLE credit. To receive credit for participation or attendance at a meeting, a person must register at the meeting. Meeting materials are available free of charge on the Internet<sup>25</sup> or may be purchased in advance from the Commission.

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24. The URL for the Commission's website is <<http://www.clrc.ca.gov>>.

25. See "Electronic Publication and Internet Access" *supra*.

## Personnel of Commission

On November 15, 2001, the following persons were members of the Law Revision Commission:

### Legislative Members <sup>26</sup>

Assembly Member Howard Wayne, San Diego  
*Vice Chairperson*  
 Senator Bill Morrow, San Juan Capistrano

### Members Appointed by Governor <sup>27</sup>

#### *Term Expires*

Joyce G. Cook, Los Angeles <i>Chairperson</i>	October 1, 2003
David Huebner, Los Angeles	October 1, 2003
Sanford M. Skaggs, Walnut Creek <sup>28</sup>	October 1, 2001
<i>Vacancy</i>	October 1, 2003
<i>Vacancy</i>	October 1, 2003
<i>Vacancy</i>	October 1, 2005
<i>Vacancy</i>	October 1, 2005

### Legislative Counsel <sup>29</sup>

Bion M. Gregory, Sacramento

26. The Senate and Assembly members of the Commission serve at the pleasure of their respective appointing powers, the Senate Committee on Rules and the Speaker of the Assembly. Gov't Code § 8281.

27. Seven Commission members are appointed by the Governor with the advice and consent of the Senate. Gov't Code § 8281. These Commissioners serve staggered four-year terms. *Id.* The provision in Government Code Section 8281 to the effect that Commission members appointed by the Governor hold office until the appointment and qualification of their successors has been superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

28. As of the date of this report, Commissioner Skaggs was serving in the 60-day holdover period following the end of his third four-year term on the Commission. His position is vacant as of December 1, 2001.

29. The Legislative Counsel serves on the Commission by virtue of office. Gov't Code § 8281. In November 2001, Mr. Gregory announced plans to retire from the Legislative Counsel position effective in January 2002.

Effective September 1, 2001, the Commission elected Joyce G. Cook as Chairperson (succeeding David Huebner), and Assembly Member Howard Wayne as Vice Chairperson (succeeding Commissioner Cook). The terms of the new officers end August 31, 2002.

The following persons are on the Commission's staff:

*Legal*

Nathaniel Sterling	Stan Ulrich	
<i>Executive Secretary</i>	<i>Assistant Executive Secretary</i>	
Barbara S. Gaal	Brian P. Hebert	Lynne I. Urman
<i>Staff Counsel</i>	<i>Staff Counsel</i>	<i>Staff Counsel</i>

*Administrative-Secretarial*

Kathleen D. Wilson	Victoria V. Matias
<i>Administrative Assistant</i>	<i>Secretary</i>

In March 2001, Glista Guilford left the administrative assistant position, and Kathleen D. Wilson was hired as the new administrative assistant in the Palo Alto main office.

During the spring of 2001, Gail Love, a student at the University of Santa Clara Law School, worked for the Commission in Palo Alto under a law school internship program. During the summer, two students at Stanford Law School worked with the Commission — Amy Ash served as a volunteer in the Palo Alto office, and Curtis E. Renoe served through the Stanford Public Interest Law Foundation. Beginning in November 2001, law graduate Ellen Yamshon worked as a volunteer through the Commission's Sacramento office. Legal work for the Commission was also performed by law students in the Institute for Legislative Practice at McGeorge Law School under the direction of Professor J. Clark Kelso.

**Commission Budget**

The Commission's operations are funded from the state general fund. The amount appropriated to the Commission for the 2001-02 fiscal year from the general fund is \$659,000, less \$17,000



(representing the Commission's share of an unallocated statewide budget reduction). In addition, the Commission has been directed by Executive Order to reduce its operating expenses by an additional \$15,000 during the 2001-02 fiscal year. These reductions will affect the Commission's productivity somewhat.

The Commission has been forewarned of further budget reductions as substantial as \$96,000 (15%) for the 2002-03 fiscal year. Should a reduction of that magnitude occur, it would require personnel reductions during 2002 that would have a substantial impact on the Commission's ability to complete the projects identified in this Annual Report in a timely fashion.

The Commission's general fund allocation is supplemented by \$15,000 budgeted for income generated from sale of documents to the public, representing reimbursement for the production and shipping cost of the documents.

The Commission also receives substantial donations of necessary library materials from the legal publishing community, especially California Continuing Education of the Bar, Lexis Law Publishers, and West Publishing Company. The Commission receives additional library materials from other legal publishers and from other law reform agencies on an exchange basis, and has full access to the Stanford University Law Library and the McGeorge Law School Library. The Commission is grateful for their contributions.

### **Other Activities**

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.<sup>30</sup>

### **National Conference of Commissioners on Uniform State Laws**

The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws.<sup>31</sup> The Com-

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30. Gov't Code § 8296.

31. Gov't Code § 8289.

mission's Assembly Member, Howard Wayne, and the Legislative Counsel and Commission member, Bion Gregory, are members of the California Commission on Uniform State Laws and the National Conference of Commissioners on Uniform State Laws. The Commission's Executive Secretary, Nathaniel Sterling, is an associate member of the National Conference. Commissioner Gregory and Mr. Sterling attended the National Conference in White Sulphur Springs, West Virginia, in August 2001. Matters considered at the conference included uniform acts on mediation, nonjudicial foreclosure, and apportionment of estate taxes.

### **Other Commissioner Activities**

Commissioner David Huebner spoke about the Commission's project on Trial Court Restructuring to the Conference of Presiding Judges and Court Executive Officers in Newport Beach in May.

### **Continuing Legal Education**

The Executive Secretary spoke at CLE International's Conference on Eminent Domain in Los Angeles in June and in San Francisco in November, on the topic "Proposed Legislative Changes: Eminent Domain Issues Before the California Law Revision Commission." The Executive Secretary spoke on the same topic to the Eminent Domain Group in Arizona in March.

### **Other Staff Activities**

In November, the Commission's Assistant Executive Secretary, Stan Ulrich, addressed a forum of the California Hospice and Palliative Care Association in Sacramento on the Health Care Decisions Law and the *Wendland* decision.

The Assistant Executive Secretary has also continued working on health care decisionmaking issues with the Professional Education Workgroup of the California Coalition for Compassionate Care in Sacramento, and a task force of the California Medical Association.

## **Legislative History of Recommendations in the 2001 Legislative Session**

The Commission's recommendations were included in nine bills recommended for enactment in the 2001 legislative session. All of the bills were enacted.

### **Civil Procedure: Technical Corrections and Authority to Appoint Receivers**

Senate Bill 562 (2001 Cal. Stat. ch. 44) was introduced by Senator Bill Morrow to effectuate two Commission recommendations: *Civil Procedure: Technical Corrections*, 30 Cal. L. Revision Comm'n Reports 479 (2000), and *Authority to Appoint Receivers*, 30 Cal. L. Revision Comm'n Reports 291 (2000). The recommendations were enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 44 of the Statutes of 2001 (Senate Bill 562)*, 31 Cal. L. Revision Comm'n Reports 67 (2001) (Appendix 4 *infra* pp. 67-70).

### **Law Library Board in Unified Court**

Assembly Bill 1103 (2001 Cal. Stat. ch. 52) was introduced by Assembly Member Lou Papan to effectuate the Commission recommendation on *Law Library Board of Trustees*, 30 Cal. L. Revision Comm'n Reports 429 (2000). The recommendation was enacted, with technical amendments.

### **Administrative Rulemaking Cleanup**

Senate Bill 561 (2001 Cal. Stat. ch. 59) was introduced by Senator Bill Morrow to effectuate the Commission recommendation on *Administrative Rulemaking Cleanup*, 30 Cal. L. Revision Comm'n Reports 533 (2000). The recommendation was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 59 of the Statutes of 2001 (Senate Bill 561)*, 31 Cal. L. Revision Comm'n Reports 71 (2001) (Appendix 5 *infra* p. 71).

### **Expired Pilot Projects**

Senate Bill 153 (2001 Cal. Stat. ch. 115) was introduced by Senator William Knight to effectuate the Commission recommendation on *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n

Reports 327 (2000). The recommendation was enacted, with technical amendments.

### **Rulemaking Under Penal Code Section 5058**

Senate Bill 563 (2001 Cal. Stat. ch. 141) was introduced by Senator Bill Morrow to effectuate the Commission recommendation on *Rulemaking Under Penal Code Section 5058*, 30 Cal. L. Revision Comm'n Reports 545 (2000). The recommendation was enacted, with technical amendments.

### **Health Care Decisions Law: Miscellaneous Revisions**

Assembly Bill 1278 (2001 Cal. Stat. ch. 230) was introduced by Assembly Member Howard Wayne to effectuate the Commission recommendation on *Health Care Decisions Law: Miscellaneous Revisions*, 30 Cal. L. Revision Comm'n Reports 621 (2000). The recommendation was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 230 of the Statutes of 2001 (Assembly Bill 1278)*, 31 Cal. L. Revision Comm'n Reports 73 (2001) (Appendix 6 *infra* pp. 73-74).

### **Estate Planning During Marital Dissolution**

Assembly Bill 873 (2001 Cal. Stat. ch. 417) was introduced by Assembly Member Tom Harman, and included provisions implementing the Commission recommendations on *Effect of Dissolution of Marriage on Nonprobate Transfers*, 28 Cal. L. Revision Comm'n Reports 599 (1998), and *Estate Planning During Marital Dissolution*, 30 Cal. L. Revision Comm'n Reports 603 (2000). The recommendation was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 417 of the Statutes of 2001 (Assembly Bill 873)*, 31 Cal. L. Revision Comm'n Reports 75 (2001) (Appendix 7 *infra* pp. 75-79).

### **Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain**

Assembly Bill 237 (2001 Cal. Stat. ch. 428) was introduced by Assembly Member Lou Papan to effectuate the Commission recommendation on *Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain*, 30 Cal. L. Revision Comm'n

Reports 567 (2000). The recommendation was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 428 of the Statutes of 2001 (Assembly Bill 237)*, 31 Cal. L. Revision Comm'n Reports 81 (2001) (Appendix 8 *infra* pp. 81-83).

### **Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases**

Assembly Bill 223 (2001 Cal. Stat. ch. 812) was introduced by Assembly Member Dario Frommer and included provisions implementing the Commission recommendation on *Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases*, 30 Cal. L. Revision Comm'n Reports 443 (2000). The recommendation was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 812 of the Statutes of 2001 (Assembly Bill 223)*, 31 Cal. L. Revision Comm'n Reports 85 (2001) (Appendix 9 *infra* pp. 85-86).

### **Resolution Authorizing Topics for Study**

Senate Concurrent Resolution 13 (2001 Cal. Stat. res. ch. 78) was introduced by Senator Bill Morrow. It continued the Commission's authority to study 19 topics previously authorized, with some modifications,<sup>32</sup> removed one topic,<sup>33</sup> and added one new topic.<sup>34</sup>

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32. See *2000-2001 Annual Report*, 30 Cal. L. Revision Comm'n Reports 660, 661-62 (2000).

33. *Id.* at 662.

34. *Id.* at 662-63.

## **Report on Statutes Repealed by Implication or Held Unconstitutional**

Government Code Section 8290 provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California Supreme Court published since the Commission's last Annual Report was prepared<sup>35</sup> and has the following to report:

- No decision holding a state statute repealed by implication has been found.<sup>36</sup>
- No decision of the United States Supreme Court holding a state statute unconstitutional has been found.<sup>37</sup>

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35. This study has been carried through 26 Cal. 4th 1060 and 121 S. Ct. 2629 (2000-01 Term).

36. In *Ventura Group Ventures, Inc. v. Ventura Port District*, 24 Cal. 4th 1089, 16 P.3d 717, 104 Cal. Rptr. 2d 53 (2001), the California Supreme Court held that the statutes implementing Proposition 13 and its limit of a one percent ad valorem tax on real property supersede Harbors and Navigation Code Section 6361 (requiring the county to levy a special tax to meet the needs of a port district) to the extent they are inconsistent.

37. In *Lorillard Tobacco Co. v. Reilly*, 121 S. Ct. 2404 (2001), the United States Supreme Court held that the Federal Cigarette Labeling and Advertising Act (FCLAA), 15 U.S.C. § 1331 *et seq.*, preempts Massachusetts' regulations governing outdoor and point-of-sale cigarette advertising, including a provision restricting advertising within a 1,000 foot radius of a public playground, or elementary or secondary school. The FCLAA preemption rule (15 U.S.C. § 1334) provides that no requirement or prohibition based on smoking and health can be imposed under state law with respect to the advertising or promotion of any cigarettes that are properly labeled. Although the FCLAA preemption provision only applies to cigarettes, the Court declined to decide whether the smokeless tobacco regulations were also preempted because the issue was not decided by the Court of Appeal.

Business and Professions Code Section 22961 prohibits the advertisement of tobacco products on outdoor billboards located within 1,000 feet of a public or private elementary, junior high, or high school or public playground. At least to

- No decision of the California Supreme Court holding a state statute unconstitutional has been found.<sup>38</sup>

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the extent that this statute applies to cigarettes, it may be preempted by the FCLAA.

38. Two decisions of the California Supreme Court imposed constitutional qualifications on the application of state statutes without invalidating the statutory language.

In *Conservatorship of Wendland*, 26 Cal. 4th 519, 28 P.3d 151, 110 Cal. Rptr. 2d 412 (2001), the court held that, while constitutional on its face, Probate Code Section 2355 (medical treatment of conservatee who lacks capacity to give informed consent) should be construed to minimize the possibility of its unconstitutional application by requiring clear and convincing evidence to support withholding life-sustaining treatment from a conscious conservatee.

In *Harrott v. County of Kings*, 25 Cal. 4th 1138, 25 P.3d 649, 108 Cal. Rptr. 2d 445 (2001), the court held that a trial court may not find a semiautomatic firearm to be an “AK series” assault weapon under Penal Code Section 12276(e), unless it is so identified by regulation. The court noted that its interpretation avoids potential due process challenges based on the law’s failure to provide persons of ordinary intelligence with a reasonable opportunity to know what is prohibited.





## APPENDIX 1

### STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION

#### GOVERNMENT CODE SECTIONS 8280-8298\*

##### **§ 8280. Creation**

8280. There is created in the State Government the California Law Revision Commission.

##### **§ 8281. Membership**

8281. The commission consists of one Member of the Senate appointed by the Committee on Rules, one Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel shall be an ex officio member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that the participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this article, those Members of the Legislature shall constitute a joint interim investigating committee on the subject of this article and as a joint interim investigating committee shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

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\* Added by 1984 Cal. Stat. ch. 1335, § 2; see also 1985 Cal. Stat. ch. 106, § 45 (amending Section 8295); 1989 Cal. Stat. ch. 152, § 1 (adding Section 8298). Formerly Gov't Code §§ 10300-10340, added by 1953 Cal. Stat. ch. 1445, § 2; amended by 1960 Cal. Stat. ch. 61, § 1 (1st Ex. Sess.); 1965 Cal. Stat. ch. 371, § 110; 1978 Cal. Stat. ch. 228, § 1; 1981 Cal. Stat. ch. 1106, § 2.

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members first appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any office filled by appointment by the Governor, he or she shall appoint a person to the office, who shall hold office for the balance of the unexpired term of his or her predecessor.

**Note.** The provision in the third paragraph to the effect that Commission members appointed by the Governor hold office until appointment and qualification of their successors is superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

#### **§ 8282. Compensation and expenses**

8282. (a) The members of the commission shall serve without compensation, except that each member appointed by the Governor shall receive fifty dollars (\$50) for each day's attendance at a meeting of the commission.

(b) In addition, each member shall be allowed actual expenses incurred in the discharge of his or her duties, including travel expenses.

**Note.** Government Code Section 11564.5 provides a per diem compensation of \$100, notwithstanding any other provision of law.

#### **§ 8283. Chairperson**

8283. The commission shall select one of its members chairperson.

#### **§ 8284. Executive secretary**

8284. The commission may appoint an executive secretary and fix his or her compensation, in accordance with law.

**§ 8285. Employees**

8285. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

**§ 8286. Assistance of state**

8286. The material of the State Library shall be made available to the commission. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

**§ 8287. Assistance of bar**

8287. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties.

**§ 8288. Political activities of commissioners and staff**

8288. No employee of the commission and no member appointed by the Governor shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to Section 8293, advocate the passage or defeat of the legislation by the Legislature or the approval or veto of the legislation by the Governor or appear before any committee of the Legislature as to such matters unless requested to do so by the committee or its chairperson. In no event shall an employee or member of the commission appointed by the Governor advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in his or her official capacity as an employee or member.

**§ 8289. Duties of commission**

8289. The commission shall, within the limitations imposed by Section 8293:

(a) Examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state into harmony with modern conditions.

**§ 8290. Unconstitutional and impliedly repealed statutes**

8290. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

**§ 8291. Submission and distribution of reports**

8291. The commission shall submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

**Note.** Section 8291 is limited by later-enacted rules governing distribution of state reports set out in Government Code Sections 9795 and 11094-11099.

**§ 8292. Contents of reports**

8292. The commission may, within the limitations imposed by Section 8293, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

**§ 8293. Calendar of topics**

8293. The commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic which the Legislature, by concurrent resolution, refers to it for the study.

**§ 8294. Printing of reports**

8294. The reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

**§ 8295. Cooperation with legislative committees**

8295. The commission shall confer and cooperate with any legislative committee on revision of the law and may contract with any committee for the rendition of service, by either for the other, in the work of revision.

**§ 8296. Cooperation with bar and other associations**

8296. The commission may cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of this article.

**§ 8297. Research contracts**

8297. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

**§ 8298. Recommendations concerning minor revisions**

8298. The commission may study and recommend revisions to correct technical or minor substantive defects in the statutes of the state without a prior concurrent resolution of the Legislature referring the matter to it for study.

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## APPENDIX 2

### CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission's calendar of topics authorized for study includes the subjects listed below. Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 2001 Cal. Stat. res. ch. 78.

**1. Creditors' remedies.** Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.<sup>1</sup>

**2. Probate Code.** Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code, and related matters.<sup>2</sup>

**3. Real and personal property.** Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, powers of termination, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, and related matters.<sup>3</sup>

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1. See also 1983 Cal. Stat. res. ch. 40; 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957, at 15-16 (1957). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

2. See also 1980 Cal. Stat. res. ch. 37. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

3. See 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic. Expanded in 1988 Cal Stat. res. ch. 81. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

**4. Family law.** Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.<sup>4</sup>

**5. Offers of compromise.** Whether the law relating to offers of compromise should be revised.<sup>5</sup>

**6. Discovery in civil cases.** Whether the law relating to discovery in civil cases should be revised.<sup>6</sup>

**7. Special assessments for public improvements.** Whether the acts governing special assessments for public improvement should be simplified and unified.<sup>7</sup>

**8. Rights and disabilities of minors and incompetent persons.** Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised.<sup>8</sup>

**9. Evidence.** Whether the Evidence Code should be revised.<sup>9</sup>

**10. Arbitration.** Whether the law relating to arbitration, mediation, and other alternative dispute resolution techniques should be revised.<sup>10</sup>

**11. Administrative law.** Whether there should be changes to administrative law.<sup>11</sup>

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4. See 1997 Cal. Stat. res. ch. 102, consolidating Family Code authority, child custody, adoption, and guardianship authority, and family law proceedings authority. See also 1995 Cal. Stat. res. ch. 87; 1989 Cal. Stat. res. ch. 70; 1983 Cal. Stat. res. ch. 40; 1978 Cal. Stat. res. ch. 65; 1972 Cal. Stat. res. ch. 27; 1956 Cal. Stat. res. ch. 42.

5. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 525-26 (1974).

6. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 526-28 (1974).

7. See also 1980 Cal. Stat. res. ch. 37.

8. See also 1979 Cal. Stat. res. ch. 19; 14 Cal. L. Revision Comm'n Reports 217-18 (1978).

9. See also 1965 Cal. Stat. res. ch. 130.

10. See also 1968 Cal. Stat. res. ch. 110; 8 Cal. L. Revision Comm'n Reports 1325-26 (1967). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661-62 (2000).

11. See also 1987 Cal. Stat. res. ch. 47.



**12. Attorney's fees.** Whether the law relating to the payment and the shifting of attorney's fees between litigants should be revised.<sup>12</sup>

**13. Uniform Unincorporated Nonprofit Association Act.** Whether the Uniform Unincorporated Nonprofit Association Act, or parts of that uniform act, and related provisions should be adopted in California.<sup>13</sup>

**14. Trial court unification.** Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.<sup>14</sup>

**15. Contract law.** Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.<sup>15</sup>

**16. Common interest developments.** Whether the law governing common interest housing developments should be revised to clarify the law, eliminate unnecessary or obsolete provisions, consolidate existing statutes in one place in the codes, establish a clear, consistent, and unified policy with regard to formation and management of these developments and transaction of real property interests located within them, and to determine to what extent they should be subject to regulation.<sup>16</sup>

**17. Legal malpractice statutes of limitation.** Whether the statutes of limitation for legal malpractice actions should be revised to recognize equitable tolling or other adjustment for the circumstances of simultaneous litigation, and related matters.<sup>17</sup>

**18. Coordination of public records statutes.** Whether the law governing disclosure of public records and the law governing protection of privacy in public records should be revised to better coordinate them, including consolidation and clarification of the scope of required disclosure and creation of a single set of disclosure procedures, to provide appropriate enforcement mechanisms, and to ensure that the law govern-

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12. See also 1995 Cal. Stat. res. ch. 87; 1988 Cal. Stat. res. ch. 20.

13. See also 1993 Cal. Stat. res. ch. 31; 22 Cal. L. Revision Comm'n Reports 846 (1992).

14. See also 1995 Cal. Stat. res. ch. 87; 1993 Cal. Stat. res. ch. 96.

15. See also 1996 Cal. Stat. res. ch. 38; 25 Cal. L. Revision Comm'n Reports 628-29 (1995).

16. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 693-94 (1998).

17. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 696 (1998).

ing disclosure of public records adequately treats electronic information, and related matters.<sup>18</sup>

**19. Criminal sentencing.** Whether the law governing criminal sentencing should be revised, nonsubstantively, to reorganize and clarify the sentencing procedure statutes in order to make them more logical and understandable.<sup>19</sup>

**20. Subdivision Map Act and Mitigation Fee Act.** Whether the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) and the Mitigation Fee Act (Chapter 5 (commencing with Section 66000) Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) of Division 1 of Title 7 of the Government Code) should be revised to improve their organization, resolve inconsistencies, clarify and rationalize provisions, and related matters.<sup>20</sup>

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18. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 695-96 (1998).

19. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 695 (1998).

20. See also 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 662 (2000).

## APPENDIX 3

### LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

**Note.** The “Action by Legislature” column includes references to relevant legislative history, following the italicized “*See.*” References are to volume and page of the Commission’s Reports. (Addition of these references is an ongoing project.)

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. <i>Fish and Game Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1956, at 13 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , 1 Cal. L. Revision Comm’n Reports, at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. <i>Notice of Application for Attorney’s Fees and Costs in Domestic Relations Actions</i> , 1 Cal. L. Revision Comm’n Reports, at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 Cal. L. Revision Comm’n Reports, at C-1 (1957)	Not enacted. But see Code Civ. Proc. § 612.5, enacting substance of this recommendation
7. <i>The Dead Man Statute</i> , 1 Cal. L. Revision Comm’n Reports, at D-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 1261 Comment
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 Cal. L. Revision Comm’n Reports, at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490
9. <i>The Marital “For and Against” Testimonial Privilege</i> , 1 Cal. L. Revision Comm’n Reports, at F-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 970 Comment

10. *Suspension of the Absolute Power of Alienation*, 1 Cal. L. Revision Comm'n Reports, at G-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 14 (1959)      Enacted. 1959 Cal. Stat. ch. 470
11. *Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378*, 1 Cal. L. Revision Comm'n Reports, at H-1 (1957)      Enacted. 1957 Cal. Stat. ch. 102
12. *Judicial Notice of the Law of Foreign Countries*, 1 Cal. L. Revision Comm'n Reports, at I-1 (1957)      Enacted. 1957 Cal. Stat. ch. 249
13. *Choice of Law Governing Survival of Actions*, 1 Cal. L. Revision Comm'n Reports, at J-1 (1957)      No legislation recommended
14. *Effective Date of Order Ruling on a Motion for New Trial*, 1 Cal. L. Revision Comm'n Reports, at K-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 16 (1959)      Enacted. 1959 Cal. Stat. ch. 468
15. *Retention of Venue for Convenience of Witnesses*, 1 Cal. L. Revision Comm'n Reports, at L-1 (1957)      Not enacted
16. *Bringing New Parties Into Civil Actions*, 1 Cal. L. Revision Comm'n Reports, at M-1 (1957)      Enacted. 1957 Cal. Stat. ch. 1498
17. *Grand Juries*, 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 20 (1959)      Enacted. 1959 Cal. Stat. ch. 501
18. *Procedure for Appointing Guardians*, 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 21 (1959)      Enacted. 1959 Cal. Stat. ch. 500
19. *Appointment of Administrator in Quiet Title Action*, 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 29 (1959)      No legislation recommended
20. *Presentation of Claims Against Public Entities*, 2 Cal. L. Revision Comm'n Reports, at A-1 (1959)      Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., art. XI, § 10 (1960)

Recommendation	Action by Legislature
21. <i>Right of Nonresident Aliens to Inherit</i> , 2 Cal. L. Revision Comm'n Reports, at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425
22. <i>Mortgages to Secure Future Advances</i> , 2 Cal. L. Revision Comm'n Reports, at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 Cal. L. Revision Comm'n Reports, at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 Cal. L. Revision Comm'n Reports, at E-1 (1959)	Not enacted. But see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving
25. <i>Time Within Which Motion for New Trial May Be Made</i> , 2 Cal. L. Revision Comm'n Reports, at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 Cal. L. Revision Comm'n Reports, at G-1 (1959)	Not enacted. But see Corp. Code §§ 1001, 1002, enacting substance of recommendation
27. <i>Evidence in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at A-1 (1961)	Not enacted. But see Evid. Code § 810 <i>et seq.</i> enacting substance of recommendation
28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613
29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 Cal. L. Revision Comm'n Reports, at C-1 (1961)	Not enacted. But see Gov't Code § 7260 <i>et seq.</i> enacting substance of recommendation
30. <i>Rescission of Contracts</i> , 3 Cal. L. Revision Comm'n Reports, at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589
31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor in Juvenile Court Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616
32. <i>Survival of Actions</i> , 3 Cal. L. Revision Comm'n Reports, at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. <i>Arbitration</i> , 3 Cal. L. Revision Comm'n Reports, at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461

34. *Presentation of Claims Against Public Officers and Employees*, 3 Cal. L. Revision Comm'n Reports, at H-1 (1961) Not enacted 1961. See recommendation to 1963 session (item 39 *infra*) which was enacted
35. *Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere*, 3 Cal. L. Revision Comm'n Reports, at I-1 (1961) Enacted. 1961 Cal. Stat. ch. 636
36. *Notice of Alibi in Criminal Actions*, 3 Cal. L. Revision Comm'n Reports, at J-1 (1961) Not enacted
37. *Discovery in Eminent Domain Proceedings*, 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967) Enacted. 1967 Cal. Stat. ch. 1104
38. *Tort Liability of Public Entities and Public Employees*, 4 Cal. L. Revision Comm'n Reports 801 (1963) Enacted. 1963 Cal. Stat. ch. 1681  
*See 4:211, 219*
39. *Claims, Actions and Judgments Against Public Entities and Public Employees*, 4 Cal. L. Revision Comm'n Reports 1001 (1963) Enacted. 1963 Cal. Stat. ch. 1715  
*See 4:211, 222*
40. *Insurance Coverage for Public Entities and Public Employees*, 4 Cal. L. Revision Comm'n Reports 1201 (1963) Enacted. 1963 Cal. Stat. ch. 1682  
*See 4:212, 223*
41. *Defense of Public Employees*, 4 Cal. L. Revision Comm'n Reports 1301 (1963) Enacted. 1963 Cal. Stat. ch. 1683  
*See 4:212, 224*
42. *Liability of Public Entities for Ownership and Operation of Motor Vehicles*, 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965) Enacted. 1965 Cal. Stat. ch. 1527
43. *Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer*, 4 Cal. L. Revision Comm'n Reports 1501 (1963) Enacted. 1963 Cal. Stat. ch. 1684  
*See 4:212, 224*
44. *Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes*, 4 Cal. L. Revision Comm'n Reports 1601 (1963) Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029  
*See 4:213*
45. *Evidence Code*, 7 Cal. L. Revision Comm'n Reports 1 (1965) Enacted. 1965 Cal. Stat. ch. 299  
*See 7:912, 923*

Recommendation	Action by Legislature
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653 <i>See</i> 7:914, 928
47. <i>Evidence Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650. Balance enacted. 1970 Cal. Stat. ch. 69 <i>See</i> 8:1315
48. <i>Evidence — Agricultural Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. <i>Evidence — Commercial Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property</i> , 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458 <i>See</i> 8:1318; 9:18
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702 <i>See</i> 8:1317
52. <i>Additur</i> , 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72 <i>See</i> 8:1317
53. <i>Abandonment or Termination of a Lease</i> , 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89 <i>See</i> 8:1319; 10:1018
54. <i>Good Faith Improver of Land Owned by Another</i> , 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150 <i>See</i> 8:2319; 9:19
55. <i>Suit By or Against an Unincorporated Association</i> , 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324 <i>See</i> 8:1317
56. <i>Escheat</i> , 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356 <i>See</i> 9:16
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133 <i>See</i> 9:19

58. *Service of Process on Unincorporated Associations*, 8 Cal. L. Revision Comm'n Reports 1403 (1967)      Enacted. 1968 Cal. Stat. ch. 132  
See 9:18
59. *Sovereign Immunity — Statute of Limitations*, 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)      Enacted. 1970 Cal. Stat. ch. 104  
See 9:98
60. *Additur and Remittitur*, 9 Cal. L. Revision Comm'n Reports 63 (1969)      Enacted. 1969 Cal. Stat. ch. 115  
See 9:99
61. *Fictitious Business Names*, 9 Cal. L. Revision Comm'n Reports 71 (1969)      Enacted. 1969 Cal. Stat. ch. 114  
See 9:98
62. *Quasi-Community Property*, 9 Cal. L. Revision Comm'n Reports 113 (1969)      Enacted. 1970 Cal. Stat. ch. 312  
See 10:1019
63. *Arbitration of Just Compensation*, 9 Cal. L. Revision Comm'n Reports 123 (1969)      Enacted. 1970 Cal. Stat. ch. 417  
See 10:1018
64. *Revisions of Evidence Code*, 9 Cal. L. Revision Comm'n Reports 137 (1969)      Enacted in part. 1970 Cal. Stat. ch. 69.  
See also 1970 Cal. Stat. chs. 1396, 1397; 1972 Cal. Stat. ch. 888  
See 10:1018
65. *Mutuality of Remedies in Suits for Specific Performance*, 9 Cal. L. Revision Comm'n Reports 201 (1969)      Enacted. 1969 Cal. Stat. ch. 156  
See 9:99
66. *Powers of Appointment*, 9 Cal. L. Revision Comm'n Reports 301 (1969)      Enacted. 1969 Cal. Stat. chs. 113, 155  
See 9:98
67. *Evidence Code — Revisions of Privileges Article*, 9 Cal. L. Revision Comm'n Reports 501 (1969)      Vetoed. But see 1970 Cal. Stat. chs. 1396, 1397  
See 9:98
68. *Fictitious Business Names*, 9 Cal. L. Revision Comm'n Reports 601 (1969)      Enacted. 1970 Cal. Stat. ch. 618  
See 10:1019
69. *Representation as to the Credit of Third Persons and the Statute of Frauds*, 9 Cal. L. Revision Comm'n Reports 701 (1969)      Enacted. 1970 Cal. Stat. ch. 720  
See 10:1021
70. *Revisions of Governmental Liability Act*, 9 Cal. L. Revision Comm'n Reports 801 (1969)      Enacted in part. 1970 Cal. Stat. chs. 662, 1099  
See 10:1020
71. *"Vesting" of Interests Under Rule Against Perpetuities*, 9 Cal. L. Revision Comm'n Reports 901 (1969)      Enacted. 1970 Cal. Stat. ch. 45  
See 10:1021



Recommendation	Action by Legislature
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950. See also 1973 Cal. Stat. ch. 828 <i>See 10:1125</i>
73. <i>Wage Garnishment and Related Matters</i> , 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133. See also 1979 Cal. Stat. ch. 66 <i>See 11:1024; 11:1123; 12:530; 13:2012; 14:13, 223; 15:1024</i>
74. <i>Proof of Foreign Official Records</i> , 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. <i>Inverse Condemnation — Insurance Coverage</i> , 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140 <i>See 10:1126</i>
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607 <i>See 10:1126</i>
77. <i>Civil Arrest</i> , 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20 <i>See 11:1123</i>
78. <i>Claim and Delivery Statute</i> , 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526 <i>See 11:1124</i>
79. <i>Unclaimed Property</i> , 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76. Legislation enacted. 1975 Cal. Stat. ch. 25 <i>See 11:1124; 12:530; 13:2012</i>
80. <i>Enforcement of Sister State Money Judgments</i> , 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211 <i>See 12:534</i>
81. <i>Prejudgment Attachment</i> , 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516. See also 1975 Cal. Stat. ch. 200 <i>See 12:530</i>
82. <i>Landlord-Tenant Relations</i> , 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332 <i>See 12:536</i>
83. <i>Pleading</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73

84. *Evidence — Judicial Notice* (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973) Enacted. 1972 Cal. Stat. ch. 764
85. *Evidence — "Criminal Conduct" Exception*, 11 Cal. L. Revision Comm'n Reports 1147 (1973) Not enacted 1974. See recommendation to 1975 session (item 90 *infra*) which was enacted — *See 12:535*
86. *Erroneously Compelled Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973) Enacted. 1974 Cal. Stat. ch. 227  
*See 12:535*
87. *Liquidated Damages*, 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 2139 (1976); 13 Cal. L. Revision Comm'n Reports 1735 (1976) Enacted. 1977 Cal. Stat. ch. 198  
*See 12:535; 13:1616; 14:13*
88. *Payment of Judgments Against Local Public Entities*, 12 Cal. L. Revision Comm'n Reports 575 (1974) Enacted. 1975 Cal. Stat. ch. 285  
*See 13:2011*
89. *View by Trier of Fact in a Civil Case*, 12 Cal. L. Revision Comm'n Reports 587 (1974) Enacted. 1975 Cal. Stat. ch. 301  
*See 13:2011*
90. *Good Cause Exception to the Physician-Patient Privilege*, 12 Cal. L. Revision Comm'n Reports 601 (1974) Enacted. 1975 Cal. Stat. ch. 318  
*See 13:2012*
91. *Improvement Acts*, 12 Cal. L. Revision Comm'n Reports 1001 (1974) Enacted. 1974 Cal. Stat. ch. 426  
*See 12:534*
92. *Condemnation Law and Procedure: Conforming Changes in Special District Statutes*, 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974) Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
93. *The Eminent Domain Law*, 12 Cal. L. Revision Comm'n Reports 1601 (1974) Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275 — *See 13:2010*
94. *Oral Modification of Written Contracts*, 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976) Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109  
*See 13:2011; 13:1616*
95. *Partition of Real and Personal Property*, 13 Cal. L. Revision Comm'n Reports 401 (1976) Enacted. 1976 Cal. Stat. ch. 73  
*See 13:2013, 1610*
96. *Revision of the Attachment Law*, 13 Cal. L. Revision Comm'n Reports 801 (1976) Enacted. 1976 Cal. Stat. ch. 437  
*See 13:1612*

Recommendation	Action by Legislature
97. <i>Undertakings for Costs</i> , 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976. But see recommendation to 1979 session (item 118 <i>infra</i> ) which was enacted – <i>See 13:1614</i>
98. <i>Service of Process on Unincorporated Associations</i> , 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888 <i>See 13:1616</i>
99. <i>Sister State Money Judgments</i> , 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232 <i>See 14:12</i>
100. <i>Damages in Action for Breach of Lease</i> , 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49 <i>See 14:13</i>
101. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted <i>See 13:2012</i>
102. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145 <i>See 13:1614</i>
103. <i>Relocation Assistance by Private Condemnors</i> , 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143 <i>See 13:1614</i>
104. <i>Condemnation for Byroads and Utility Easements</i> , 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994 <i>See 13:1615</i>
105. <i>Transfer of Out-of-State Trusts to California</i> , 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144 <i>See 13:1615</i>
106. <i>Admissibility of Duplicates in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted in bill not sponsored by Commission. See 1985 Cal. Stat. ch. 100 <i>For original history, see 13:1615</i>
107. <i>Nonprofit Corporation Law</i> , 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted. Legislation on this subject, not sponsored by Commission, was enacted in 1978 <i>For original history, see 14:11</i>
108. <i>Use of Keepers Pursuant to Writs of Execution</i> , 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155 <i>See 14:12</i>
109. <i>Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499 <i>See 14:12</i>

110. *Review of Resolution of Necessity by Writ of Mandate*, 14 Cal. L. Revision Comm'n Reports 83 (1978)      Enacted. 1978 Cal. Stat. ch. 286  
See 14:224
111. *Use of Court Commissioners Under the Attachment Law*, 14 Cal. L. Revision Comm'n Reports 93 (1978)      Enacted. 1978 Cal. Stat. ch. 151  
See 14:224
112. *Evidence of Market Value of Property*, 14 Cal. L. Revision Comm'n Reports 105 (1978)      Enacted in part. 1978 Cal. Stat. ch. 294.  
Substance of remainder enacted in 1980. See item 123 *infra*  
See 14:225
113. *Psychotherapist-Patient Privilege*, 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)      Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evid. Code § 1028) – See 14:225
114. *Parol Evidence Rule*, 14 Cal. L. Revision Comm'n Reports 143 (1978)      Enacted. 1978 Cal. Stat. ch. 150  
See 14:224
115. *Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"* 14 Cal. L. Revision Comm'n Reports 241 (1978)      Enacted. 1978 Cal. Stat. ch. 273  
See 14:224
116. *Powers of Appointment* (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)      Enacted. 1978 Cal. Stat. ch. 266
117. *Ad Valorem Property Taxes in Eminent Domain Proceedings*, 14 Cal. L. Revision Comm'n Reports 291 (1978)      Enacted. 1979 Cal. Stat. ch. 31  
See 15:1025
118. *Security for Costs*, 14 Cal. L. Revision Comm'n Reports 319 (1978)      Enacted. 1980 Cal. Stat. ch. 114  
See 15:1025
119. *Guardianship-Conservatorship Law*, 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)      Enacted. 1979 Cal. Stat. chs. 165, 726, 730 – See 15:1024, 1427
120. *Interest Rate on Judgments*, 15 Cal. L. Revision Comm'n Reports 7 (1980)      Enacted. 1982 Cal. Stat. ch. 150  
See 15:1427; 16:2025
121. *Married Women as Sole Traders*, 15 Cal. L. Revision Comm'n Reports 21 (1980)      Enacted. 1980 Cal. Stat. ch. 123  
See 15:1426
122. *State Tax Liens*, 15 Cal. L. Revision Comm'n Reports 29 (1980)      Enacted. 1980 Cal. Stat. ch. 600  
See 15:1427

Recommendation	Action by Legislature
123. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381 <i>See 15:1429</i>
124. <i>Uniform Durable Power of Attorney Act</i> , 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511 <i>See 16:25</i>
125. <i>Probate Homestead</i> , 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119 <i>See 15:1428</i>
126. <i>Effect of New Bankruptcy Law on the Attachment Law</i> , 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 177 <i>See 15:1024</i>
127. <i>Confessions of Judgment</i> , 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568 <i>See 15:1024</i>
128. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122 <i>See 15:1428</i>
129. <i>Assignments for the Benefit of Creditors</i> , 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135 <i>See 15:1427</i>
130. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050 <i>See 15:1429</i>
131. <i>Quiet Title Actions</i> , 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44 <i>See 15:1428</i>
132. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682 <i>See 15:1426</i>
133. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215 <i>See 15:1426</i>
134. <i>Uniform Veterans Guardianship Act</i> , 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89 <i>See 15:1428</i>
135. <i>Enforcement of Obligations After Death</i> , 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124 <i>See 15:1426</i>
136. <i>Guardianship-Conservatorship</i> (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. 1980 Cal. Stat. ch. 246

137. *Revision of Guardianship-Conservatorship Law*, 15 Cal. L. Revision Comm'n Reports 1463 (1980)      Enacted. 1981 Cal. Stat. ch. 9  
See 16:24
138. *Non-Probate Transfers*, 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)      Enacted in part (pay-on-death accounts) 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92. Substance of balance enacted. 1989 Cal. Stat. ch. 397 (banks and savings and loan associations) (item 229 *infra*) – See 16:2026; 17:823
139. *Revision of the Powers of Appointment Statute*, 15 Cal. L. Revision Comm'n Reports 1667 (1980)      Enacted. 1981 Cal. Stat. ch. 63  
See 16:25
140. *The Enforcement of Judgments Law*, 15 Cal. L. Revision Comm'n Reports 2001 (1980)      Enacted. 1982 Cal. Stat. chs. 497, 1364  
See 16:2024
141. *State Tax Liens* (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)      Enacted. 1981 Cal. Stat. ch. 217
142. *Assessment Liens on Property Taken for Public Use* (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)      Enacted. 1981 Cal. Stat. ch. 139
143. *Federal Pensions as Community Property*, 16 Cal. L. Revision Comm'n Reports 47 (1982)      Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44  
See 16:2027
144. *Missing Persons*, 16 Cal. L. Revision Comm'n Reports 105 (1982)      Enacted. 1983 Cal. Stat. ch. 201  
See 17:822
145. *Escheat* (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)      Enacted. 1982 Cal. Stat. ch. 182
146. *Emancipated Minors*, 16 Cal. L. Revision Comm'n Reports 183 (1982)      Enacted. 1983 Cal. Stat. ch. 6  
See 17:823
147. *Notice in Limited Conservatorship Proceedings*, 16 Cal. L. Revision Comm'n Reports 199 (1982)      Enacted. 1983 Cal. Stat. ch. 72  
See 17:823
148. *Disclaimer of Testamentary and Other Interests*, 16 Cal. L. Revision Comm'n Reports 207 (1982)      Enacted. 1983 Cal. Stat. ch. 17  
See 17:823
149. *Holographic and Nuncupative Wills*, 16 Cal. L. Revision Comm'n Reports 301 (1982)      Enacted. 1982 Cal. Stat. ch. 187  
See 16:2026

Recommendation	Action by Legislature
150. <i>Marketable Title of Real Property</i> , 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268 <i>See 16:2026</i>
151. <i>Statutory Bonds and Undertakings</i> , 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998 <i>See 16:2025</i>
152. <i>Attachment</i> , 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198 <i>See 16:2025</i>
153. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 Cal. L. Revision Comm'n Reports 2165 (1982), 17 Cal. L. Revision Comm'n Reports 863 (1984)	Enacted. 1983 Cal. Stat. ch. 342 <i>See 17:823</i>
154. <i>Creditors' Remedies</i> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155 <i>See 17:824</i>
155. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18 <i>See 17:825</i>
156. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107 <i>See 17:824</i>
157. <i>Wills and Intestate Succession</i> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842 <i>See 17:822</i>
158. <i>Liability of Marital Property for Debts</i> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671 <i>See 18:20</i>
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 17 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204 <i>See 17:822</i>
160. <i>Marital Property Presumptions and Transmutations</i> , 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733 <i>See 18:21</i>
161. <i>Reimbursement of Educational Expenses</i> , 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661 <i>See 18:22</i>
162. <i>Special Appearance in Family Law Proceedings</i> , 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156 <i>See 18:21</i>
163. <i>Liability of Stepparent for Child Support</i> , 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249 <i>See 18:21</i>

164. *Awarding Temporary Use of Family Home*, 17 Cal. L. Revision Comm'n Reports 261 (1984)      Enacted. 1984 Cal. Stat. ch. 463  
See 18:21
165. *Disposition of Community Property*, 17 Cal. L. Revision Comm'n Reports 269 (1984)      Not enacted  
See 18:22
166. *Statutes of Limitation for Felonies*, 17 Cal. L. Revision Comm'n Reports 301 (1984)      Enacted. 1984 Cal. Stat. ch. 1270  
See 18:23; 20:2305
167. *Independent Administration of Decedent's Estate*, 17 Cal. L. Revision Comm'n Reports 405 (1984)      Enacted. 1984 Cal. Stat. ch. 451  
See 18:19
168. *Distribution of Estates Without Administration*, 17 Cal. L. Revision Comm'n Reports 421 (1984)      Enacted. 1984 Cal. Stat. ch. 451  
See 18:19
169. *Simultaneous Deaths*, 17 Cal. L. Revision Comm'n Reports 443 (1984)      Enacted in part. See 1989 Cal. Stat. ch. 544 (intestate succession) (item 227 *infra*); 1990 Cal. Stat. ch. 710 (statutory will) (item 240 *infra*)  
See 18:20
170. *Notice of Will*, 17 Cal. L. Revision Comm'n Reports 461 (1984)      Not enacted  
See 18:20
171. *Garnishment of Amounts Payable to Trust Beneficiary*, 17 Cal. L. Revision Comm'n Reports 471 (1984)      Enacted. 1984 Cal. Stat. ch. 493  
See 18:19
172. *Bonds for Personal Representatives*, 17 Cal. L. Revision Comm'n Reports 483 (1984)      Enacted. 1984 Cal. Stat. ch. 451  
See 18:19
173. *Recording Affidavits of Death*, 17 Cal. L. Revision Comm'n Reports 493 (1984)      Enacted. 1984 Cal. Stat. ch. 527  
See 18:20
174. *Execution of Witnessed Will*, 17 Cal. L. Revision Comm'n Reports 509 (1984)      Not enacted  
See 18:20
175. *Revision of Wills and Intestate Succession Law*, 17 Cal. L. Revision Comm'n Reports 537 (1984)      Enacted. 1984 Cal. Stat. ch. 892  
See 18:19
176. *Uniform Transfers to Minors Act*, 17 Cal. L. Revision Comm'n Reports 601 (1984)      Enacted. 1984 Cal. Stat. ch. 243  
See 18:19
177. *Statutory Forms for Durable Powers of Attorney*, 17 Cal. L. Revision Comm'n Reports 701 (1984)      Enacted. 1984 Cal. Stat. chs. 312 (health care), 602 (general power of attorney) – See 18:18



Recommendation	Action by Legislature
178. <i>Vacation of Streets</i> (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
179. <i>Effect of Death of Support Obligor</i> , 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 <i>infra</i> ) – See 18:21
180. <i>Dismissal for Lack of Prosecution</i> , 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705 See 18:23
181. <i>Severance of Joint Tenancy</i> , 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519 See 18:23
182. <i>Quiet Title and Partition Judgments</i> , 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20 See 18:22
183. <i>Dormant Mineral Rights</i> , 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240 See 18:22
184. <i>Creditors' Remedies</i> , 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538 See 18:23
185. <i>Rights Among Cotenants</i> , 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241 See 18:23
186. <i>Provision for Support if Support Obligor Dies</i> , 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362 See 18:217
187. <i>Transfer of State Registered Property Without Probate</i> , 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982 See 18:216
188. <i>Dividing Jointly Owned Property Upon Marriage Dissolution</i> , 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362 See 18:217
189. <i>Probate Law</i> (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. <i>Creditors' Remedies</i> (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. <i>Uniform Transfers to Minors Act</i> (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. <i>Protection of Mediation Communications</i> , 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731 See 18:218

193. *Recording Severance of Joint Tenancy*, 18 Cal. L. Revision Comm'n Reports 249 (1986)      Enacted. 1985 Cal. Stat. ch. 157  
See 18:217
194. *Abandoned Easements*, 18 Cal. L. Revision Comm'n Reports 257 (1986)      Enacted. 1985 Cal. Stat. ch. 157  
See 18:217
195. *Distribution Under a Will or Trust*, 18 Cal. L. Revision Comm'n Reports 269 (1986)      Enacted. 1985 Cal. Stat. ch. 982  
See 18:216
196. *Effect of Adoption or Out of Wedlock Birth on Rights at Death*, 18 Cal. L. Revision Comm'n Reports 289 (1986)      Enacted. 1985 Cal. Stat. ch. 982  
See 18:216
197. *Durable Powers of Attorney*, 18 Cal. L. Revision Comm'n Reports 305 (1986)      Enacted. 1985 Cal. Stat. ch. 403  
See 18:216
198. *Litigation Expenses in Family Law Proceedings*, 18 Cal. L. Revision Comm'n Reports 351 (1986)      Enacted. 1985 Cal. Stat. ch. 362  
See 18:217
199. *Civil Code Sections 4800.1 and 4800.2*, 18 Cal. L. Revision Comm'n Reports 383 (1986)      One of two recommended measures enacted (*Application of Civil Code §§ 4800.1 and 4800.2*). 1986 Cal. Stat. ch. 49 – See 18:1717
200. *The Trust Law*, 18 Cal. L. Revision Comm'n Reports 501 (1986)      Enacted. 1986 Cal. Stat. ch. 820  
See 18:1718
201. *Disposition of Estate Without Administration*, 18 Cal. L. Revision Comm'n Reports 1005 (1986)      Enacted. 1986 Cal. Stat. ch. 783  
See 18:1717
202. *Small Estate Set-Aside*, 18 Cal. L. Revision Comm'n Reports 1101 (1986)      Enacted. 1986 Cal. Stat. ch. 783  
See 18:1717
203. *Proration of Estate Taxes*, 18 Cal. L. Revision Comm'n Reports 1127 (1986)      Enacted. 1986 Cal. Stat. ch. 783  
See 18:1717
204. *Notice in Guardianship and Conservatorship*, 18 Cal. L. Revision Comm'n Reports 1793 (1986)      Enacted. 1987 Cal. Stat. ch. 923  
See 19:516
205. *Preliminary Provisions and Definitions*, 18 Cal. L. Revision Comm'n Reports 1807 (1986)      Enacted. 1987 Cal. Stat. ch. 923  
See 19:516
206. *Technical Revisions in the Trust Law*, 18 Cal. L. Revision Comm'n Reports 1823 (1986)      Enacted. 1987 Cal. Stat. ch. 128  
See 19:517
207. *Supervised Administration*, 19 Cal. L. Revision Comm'n Reports 5 (1988)      Enacted. 1987 Cal. Stat. ch. 923  
See 19:516

Recommendation	Action by Legislature
208. <i>Independent Administration</i> , 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
209. <i>Creditor Claims Against Decedent's Estate</i> , 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
210. <i>Notice in Probate Proceedings</i> , 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
211. <i>Marital Deduction Gifts</i> , 19 Cal. L. Revision Comm'n Reports 615 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
212. <i>Estates of Missing Persons</i> , 19 Cal. L. Revision Comm'n Reports 637 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
213. <i>Public Guardians and Administrators</i> , 19 Cal. L. Revision Comm'n Reports 707 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
214. <i>Inventory and Appraisal</i> , 19 Cal. L. Revision Comm'n Reports 741 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
215. <i>Opening Estate Administration</i> , 19 Cal. L. Revision Comm'n Reports 787 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
216. <i>Abatement</i> , 19 Cal. L. Revision Comm'n Reports 865 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
217. <i>Accounts</i> , 19 Cal. L. Revision Comm'n Reports 877 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
218. <i>Litigation Involving Decedents</i> , 19 Cal. L. Revision Comm'n Reports 899 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
219. <i>Rules of Procedure in Probate</i> , 19 Cal. L. Revision Comm'n Reports 917 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
220. <i>Distribution and Discharge</i> , 19 Cal. L. Revision Comm'n Reports 953 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
221. <i>Nondomiciliary Decedents</i> , 19 Cal. L. Revision Comm'n Reports 993 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
222. <i>Interest and Income During Administration</i> , 19 Cal. L. Revision Comm'n Reports 1019 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
223. <i>Authority of the Law Revision Commission</i> , 19 Cal. L. Revision Comm'n Reports 1162 (1988)	Enacted. 1989 Cal. Stat. ch. 152
224. <i>1988 Probate Cleanup Bill</i> , see 19 Cal. L. Revision Comm'n Reports 1167, 1191–1200 (1988)	Enacted. 1988 Cal. Stat. ch. 113

225. *Creditors' Remedies*, 19 Cal. L. Revision Comm'n Reports 1251 (1988) Enacted. 1989 Cal. Stat. ch. 1416  
*See 20:201*
226. *No Contest Clauses*, 20 Cal. L. Revision Comm'n Reports 7 (1990) Enacted. 1989 Cal. Stat. ch. 544  
*See 20:201*
227. *120-Hour Survival Requirement*, 20 Cal. L. Revision Comm'n Reports 21 (1990) Enacted. 1989 Cal. Stat. ch. 544  
*See 20:201*
228. *Compensation of Attorneys and Personal Representatives*, 20 Cal. L. Revision Comm'n Reports 31 (1990) Enacted except for portion relating to compensation of attorneys. 1990 Cal. Stat. ch. 79 – *See 20:2218*
229. *Multiple-Party Accounts*, 20 Cal. L. Revision Comm'n Reports 95 (1990) Enacted. 1989 Cal. Stat. ch. 397  
*See 20:202*
230. *Notice to Creditors*, 20 Cal. L. Revision Comm'n Reports 165 (1990); 20 Cal. L. Revision Comm'n Reports 507 (1990) Enacted in part. 1989 Cal. Stat. ch. 544. Balance enacted. 1990 Cal. Stat. ch. 140 – *See 20:201*
231. *1989 Probate Cleanup Bill*, see 20 Cal. L. Revision Comm'n Reports 201, 227 (1990) Enacted. 1989 Cal. Stat. ch. 21
232. *Bonds of Guardians and Conservators*, 20 Cal. L. Revision Comm'n Reports 235 (1990) Enacted. 1989 Cal. Stat. ch. 544
233. *Brokers' Commissions on Probate Sales*, 20 Cal. L. Revision Comm'n Reports 237-42 (1990) Enacted. 1989 Cal. Stat. ch. 544
234. *Commercial Real Property Leases*, 20 Cal. L. Revision Comm'n Reports 251 (1990) Enacted. 1989 Cal. Stat. ch. 982  
*See 20:202*
235. *Trustees' Fees*, 20 Cal. L. Revision Comm'n Reports 279 (1990) Enacted. 1990 Cal. Stat. ch. 79  
*See 20:2218*
236. *Springing Powers of Attorney*, 20 Cal. L. Revision Comm'n Reports 405 (1990) Enacted. 1990 Cal. Stat. ch. 986  
*See 20:2220*
237. *Uniform Statutory Form Powers of Attorney Act*, 20 Cal. L. Revision Comm'n Reports 415 (1990) Enacted. 1990 Cal. Stat. ch. 986  
*See 20:2220*
238. *Disposition of Small Estate by Public Administrator*, 20 Cal. L. Revision Comm'n Reports 529 (1990) Enacted. 1990 Cal. Stat. ch. 324  
*See 20:2220*
239. *Court-Authorized Medical Treatment*, 20 Cal. L. Revision Comm'n Reports 537 (1990) Enacted. 1990 Cal. Stat. ch. 710  
*See 20:2219*

Recommendation	Action by Legislature
240. <i>Survival Requirement for Beneficiary of Statutory Will</i> , 20 Cal. L. Revision Comm'n Reports 549 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
241. <i>Execution or Modification of Lease Without Court Order</i> , 20 Cal. L. Revision Comm'n Reports 557 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
242. <i>Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding</i> , 20 Cal. L. Revision Comm'n Reports 565 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
243. <i>Repeal of Probate Code Section 6402.5 (In-Law Inheritance)</i> , 20 Cal. L. Revision Comm'n Reports 571 (1990)	Not enacted <i>See 20:2220</i>
244. <i>Access to Decedent's Safe Deposit Box</i> , 20 Cal. L. Revision Comm'n Reports 597 (1990); 20 Cal. L. Revision Comm'n Reports 2859 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 20:2219; 21:20</i>
245. <i>Priority of Conservator or Guardian for Appointment as Administrator</i> , 20 Cal. L. Revision Comm'n Reports 607 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
246. <i>New Probate Code</i> , 20 Cal. L. Revision Comm'n Reports 1001 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
247. <i>Notice in Probate Where Address Unknown</i> , 20 Cal. L. Revision Comm'n Reports 2245 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
248. <i>Jurisdiction of Superior Court in Trust Matters</i> , 20 Cal. L. Revision Comm'n Reports 2253 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
249. <i>Uniform Management of Institutional Funds Act</i> , 20 Cal. L. Revision Comm'n Reports 2265 (1990)	Enacted. 1990 Cal. Stat. ch. 1307 <i>See 20:2220</i>
250. <i>Remedies for Breach of Assignment or Sublease Covenant</i> , 20 Cal. L. Revision Comm'n Reports 2405 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
251. <i>Use Restrictions</i> , 20 Cal. L. Revision Comm'n Reports 2421 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
252. <i>Uniform Statutory Rule Against Perpetuities</i> , 20 Cal. L. Revision Comm'n Reports 2501 (1990)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>

253. *Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care*, 20 Cal. L. Revision Comm'n Reports 2605 (1990) Enacted. 1991 Cal. Stat. ch. 896  
*See 21:22*
254. *Recognition of Agent's Authority Under Statutory Form Power of Attorney*, 20 Cal. L. Revision Comm'n Reports 2629 (1990); 22 Cal. L. Revision Comm'n Reports 965 (1992) Enacted. 1992 Cal. Stat. ch. 178  
*See 22:852*
255. *Debts That Are Contingent, Disputed, or Not Due*, 20 Cal. L. Revision Comm'n Reports 2707 (1990) Enacted. 1991 Cal. Stat. ch. 1055  
*See 21:20*
256. *Remedies of Creditor Where Personal Representative Fails to Give Notice*, 20 Cal. L. Revision Comm'n Reports 2719 (1990) Enacted. 1991 Cal. Stat. ch. 1055  
*See 21:20*
257. *Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)*, 20 Cal. L. Revision Comm'n Reports 2729 (1990) Enacted. 1991 Cal. Stat. ch. 1055  
*See 21:20*
258. *Disposition of Small Estate Without Probate*, 20 Cal. L. Revision Comm'n Reports 2737 (1990) Enacted. 1991 Cal. Stat. ch. 1055  
*See 21:20*
259. *Right of Surviving Spouse to Dispose of Community Property*, 20 Cal. L. Revision Comm'n Reports 2769 (1990) Enacted. 1991 Cal. Stat. ch. 1055  
*See 21:20*
260. *Litigation Involving Decedents*, 20 Cal. L. Revision Comm'n Reports 2785 (1990); 22 Cal. L. Revision Comm'n Reports 895 (1992) Enacted. 1992 Cal. Stat. ch. 178  
*See 22:852*
261. *Compensation in Guardianship and Conservatorship Proceedings*, 20 Cal. L. Revision Comm'n Reports 2837 (1990); 21 Cal. L. Revision Comm'n Reports 227 (1991) Enacted. 1992 Cal. Stat. ch. 572  
*See 22:853*
262. *Recognition of Trustees' Powers*, 20 Cal. L. Revision Comm'n Reports 2849 (1990) Enacted. 1992 Cal. Stat. ch. 178  
*See 22:852*
263. *Gifts in View of Impending Death*, 20 Cal. L. Revision Comm'n Reports 2869 (1990) Enacted. 1991 Cal. Stat. ch. 1055  
*See 21:20*

Recommendation	Action by Legislature
264. <i>TOD Beneficiary Designation for Vehicles and Certain Other State-Registered Property</i> , 20 Cal. L. Revision Comm'n Reports 2883 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
265. <i>1991 General Probate Bill</i> (miscellaneous provisions), see 20 Cal. L. Revision Comm'n Reports 2907 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
266. <i>1991 Probate Urgency Clean-up Bill</i> , see 20 Cal. L. Revision Comm'n Reports 2909 (1990)	Enacted. 1991 Cal. Stat. ch. 82 <i>See 21:21</i>
267. <i>Application of Marketable Title Statute to Executory Interests</i> , 21 Cal. L. Revision Comm'n Reports 53 (1991)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>
268. <i>Relocation of Powers of Appointment Statute</i> , 21 Cal. L. Revision Comm'n Reports 91 (1991)	Enacted. 1992 Cal. Stat. ch. 30 <i>See 22:853</i>
269. <i>Miscellaneous Creditors' Remedies</i> , 21 Cal. L. Revision Comm'n Reports 135 (1991)	Enacted. 1992 Cal. Stat. ch. 283 <i>See 22:853</i>
270. <i>Nonprobate Transfers of Community Property</i> , 21 Cal. L. Revision Comm'n Reports 163 (1991)	Enacted. 1992 Cal. Stat. ch. 51 <i>See 22:852</i>
271. <i>Notice of Trustees' Fees</i> , 21 Cal. L. Revision Comm'n Reports 191 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
272. <i>Nonprobate Transfer to Trustee Named in Will</i> , 21 Cal. L. Revision Comm'n Reports 201 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
273. <i>Preliminary Distribution Without Court Supervision</i> , 21 Cal. L. Revision Comm'n Reports 209 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
274. <i>Transfer of Conservatorship Property to Trust</i> , 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
275. <i>Family Code</i> , 22 Cal. L. Revision Comm'n Reports 1 (1992)	Enacted. 1992 Cal. Stat. chs. 162, 163 <i>See 22:851</i>
276. <i>Standing To Sue for Wrongful Death</i> , 22 Cal. L. Revision Comm'n Reports 955 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
277. <i>1992 General Probate Bill</i> (miscellaneous provisions), see 22 Cal. L. Revision Comm'n Reports 977 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>

278. *Special Needs Trust for Disabled Minor or Incompetent Person*, 22 Cal. L. Revision Comm'n Reports 989 (1992)      Enacted. 1992 Cal. Stat. ch. 355  
See 22:853
279. *1994 Family Code*, 23 Cal. L. Revision Comm'n Reports 1, 5 (1993)      Enacted. 1993 Cal. Stat. ch. 219  
See 23:922
280. *Family Code: Child Custody*, 23 Cal. L. Revision Comm'n Reports 1, 15 (1993)      Enacted. 1993 Cal. Stat. ch. 219  
See 23:922
281. *Family Code: Reorganization of Domestic Violence Provisions*, 23 Cal. L. Revision Comm'n Reports 1, 23 (1993)      Enacted. 1993 Cal. Stat. ch. 219  
See 23:922
282. *Deposit of Estate Planning Documents with Attorney*, 23 Cal. L. Revision Comm'n Reports 965 (1993)      Enacted. 1993 Cal. Stat. ch. 519  
See 23:923
283. *Parent and Child Relationship for Intestate Succession*, 23 Cal. L. Revision Comm'n Reports 991 (1993)      Enacted. 1993 Cal. Stat. ch. 529  
See 23:923
284. *Effect of Joint Tenancy Title on Marital Property*, 23 Cal. L. Revision Comm'n Reports 1013 (1993)      Not enacted  
See 24:568
285. *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994); *Trial Court Unification: Transitional Provisions for SCA 3*, 24 Cal. L. Revision Comm'n Reports 627 (1994)      Not enacted. Commission recommendations adopted in SCA 3 (1993-94), but SCA 3 not approved by Assembly. Commission recommendations largely enacted in SCA 4 (1996 Cal. Stat. res. ch. 36) – See 24:568; 28:707
286. *Comprehensive Power of Attorney Law*, 24 Cal. L. Revision Comm'n Reports 111 (1994); *1995 Comprehensive Power of Attorney Law*, 24 Cal. L. Revision Comm'n Reports 323 (1994)      Enacted. 1994 Cal. Stat. ch. 307  
See 24:567
287. *Orders To Show Cause and Temporary Restraining Orders*, 24 Cal. L. Revision Comm'n Reports 603 (1994)      Enacted. 1994 Cal. Stat. ch. 587  
See 24:567
288. *Family Code Technical Amendments*. See 24 Cal. L. Revision Comm'n Reports 621 (1994); 26 Cal. L. Revision Comm'n Reports 175 (1996)      Enacted. 1994 Cal. Stat. ch. 1269; 1996 Cal. Stat. ch. 1061  
See 24:567; 26:132
289. *Debtor-Creditor Relations*, 25 Cal. L. Revision Comm'n Reports 1 (1995)      Enacted in part. 1995 Cal. Stat. ch. 196  
See 25:636, 707
290. *Administrative Adjudication by State Agencies*, 25 Cal. L. Revision Comm'n Reports 55 (1995)      Enacted. 1995 Cal. Stat. ch. 938  
See 25:636, 711



Recommendation	Action by Legislature
291. <i>Uniform Prudent Investor Act</i> , 25 Cal. L. Revision Comm'n Reports 543 (1995). See also 25 Cal. L. Revision Comm'n Reports 673 (1995)	Enacted. 1995 Cal. Stat. ch. 63 See 25:636, 673
292. <i>Power of Attorney Law Technical Amendments</i> . See 25 Cal. L. Revision Comm'n Reports 709 (1995)	Enacted. 1995 Cal. Stat. ch. 300 See 25:637
293. <i>Statute of Limitations in Trust Matters: Probate Code Section 16460</i> , 26 Cal. L. Revision Comm'n Reports 1 (1996)	Enacted. 1996 Cal. Stat. ch. 862 See 26:132
294. <i>Inheritance From or Through Child Born Out of Wedlock</i> , 26 Cal. L. Revision Comm'n Reports 13 (1996)	Enacted. 1996 Cal. Stat. ch. 862 See 26:132
295. <i>Collecting Small Estate Without Administration</i> , 26 Cal. L. Revision Comm'n Reports 21 (1996)	Enacted. 1996 Cal. Stat. ch. 563 See 26:132
296. <i>Repeal of Civil Code Section 1464: The First Rule in Spencer's Case</i> , 26 Cal. L. Revision Comm'n Reports 29 (1996)	Enacted. 1998 Cal. Stat. ch. 14 See 28:706
297. <i>Homestead Exemption</i> , 26 Cal. L. Revision Comm'n Reports 37 (1996)	Not enacted See 26:133
298. <i>Tolling Statute of Limitations When Defendant Is Out of State</i> , 26 Cal. L. Revision Comm'n Reports 83 (1996)	Enacted in part (technical amendments). 1997 Cal. Stat. ch. 1012, §§ 13, 14 – See 27:555, 623
299. <i>Administrative Adjudication Technical Amendments</i> , 26 Cal. L. Revision Comm'n Reports 171 (1996)	Enacted. 1996 Cal. Stat. ch. 390 See 26:132
300. <i>Unfair Competition Litigation</i> , 26 Cal. L. Revision Comm'n Reports 191 (1996)	Not enacted See 27:555
301. <i>Administrative Adjudication by Quasi-Public Entities</i> , 26 Cal. L. Revision Comm'n Reports 277 (1996)	Enacted. 1997 Cal. Stat. ch. 220 See 27:554, 593
302. <i>Marketable Title: Enforceability of Land Use Restrictions</i> , 26 Cal. L. Revision Comm'n Reports 289 (1996)	Enacted in part. 1998 Cal. Stat. ch. 14 See 28:706
303. <i>Attachment by Undersecured Creditors</i> , 26 Cal. L. Revision Comm'n Reports 307 (1996)	Enacted. 1997 Cal. Stat. ch. 222 See 27:554
304. <i>Ethical Standards for Administrative Law Judges</i> , 26 Cal. L. Revision Comm'n Reports 335 (1996)	Enacted. 1998 Cal. Stat. ch. 95 See 28:706

305. *Best Evidence Rule*, 26 Cal. L. Revision Comm'n Reports 369 (1996)      Enacted, 1998 Cal. Stat. ch. 100  
See 28:706
306. *Mediation Confidentiality*, 26 Cal. L. Revision Comm'n Reports 407 (1996)      Enacted, 1997 Cal. Stat. ch. 772  
See 27:554, 595
307. *Judicial Review of Agency Action*, 27 Cal. L. Revision Comm'n Reports 1 (1997)      Not enacted  
See 28:708
308. *Business Judgment Rule*, 28 Cal. L. Revision Comm'n Reports 1 (1998)      Not enacted  
See 28:708
309. *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51 (1998)      Enacted, 1998 Cal. Stat. ch. 931  
See 28:707
310. *Response to Demand for Production of Documents in Discovery*, 28 Cal. L. Revision Comm'n Reports 561 (1998)      Enacted, 1998 Cal. Stat. ch. 932  
See 28:708
311. *Uniform TOD Security Registration Act*, 28 Cal. L. Revision Comm'n Reports 577 (1998)      Enacted, 1998 Cal. Stat. ch. 242  
See 28:707
312. *Effect of Dissolution of Marriage on Nonprobate Transfers*, 28 Cal. L. Revision Comm'n Reports 599 (1998)      Enacted, 2001 Cal. Stat. ch. 417  
See 31:26
313. *Administrative Rulemaking: Consent Regulations and Other Noncontroversial Regulations*, 28 Cal. L. Revision Comm'n Reports 625 (1998)      Vetoed  
See 29:605
314. *Administrative Rulemaking: Advisory Interpretations*, 28 Cal. L. Revision Comm'n Reports 657 (1998)      Vetoed  
See 29:605
315. *Health Care Decisions for Adults Without Decisionmaking Capacity*, 29 Cal. L. Revision Comm'n Reports 1 (1999)      Enacted, 1999 Cal. Stat. ch. 658  
See 29:604
316. *Uniform Principal and Income Act*, 29 Cal. L. Revision Comm'n Reports 245 (1999)      Enacted, 1999 Cal. Stat. ch. 145  
See 29:604
317. *Admissibility, Discoverability, and Confidentiality of Settlement Negotiations*, 29 Cal. L. Revision Comm'n Reports 345 (1999)      Not enacted  
See 30:676
318. *Air Resources Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 409 (1999)      Enacted, 2000 Cal. Stat. ch. 890  
See 30:676

Recommendation	Action by Legislature
319. <i>Administrative Rulemaking</i> , 29 Cal. L. Revision Comm'n Reports 459 (1999)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See 30:676</i>
320. <i>Trial Court Unification Follow-Up</i> , 29 Cal. L. Revision Comm'n Reports 657 (1999)	Enacted. 1999 Cal. Stat. ch. 344 <i>See 29:604</i>
321. <i>Enforcement of Judgments Under the Family Code: Technical Revisions</i> , 29 Cal. L. Revision Comm'n Reports 695 (1999)	Enacted. 2000 Cal. Stat. ch. 808 <i>See 30:675</i>
322. <i>Eminent Domain Valuation Evidence: Clarification of Evidence Code Section 822</i> , 29 Cal. L. Revision Comm'n Reports 733 (1999)	Enacted. 2000 Cal. Stat. ch. 948 <i>See 30:676</i>
323. <i>Alternate Distributee for Unclaimed Distribution</i> , 29 Cal. L. Revision Comm'n Reports 743 (1999)	Enacted. 2000 Cal. Stat. ch. 17 <i>See 30:675</i>
324. <i>Jurisdictional Classification of Good Faith Improver Claims</i> , 30 Cal. L. Revision Comm'n Reports 281 (2000)	Enacted. 2000 Cal. Stat. ch. 688 <i>See 30:675</i>
325. <i>Authority to Appoint Receivers</i> , 30 Cal. L. Revision Comm'n Reports 291 (2000)	Enacted. 2001 Cal. Stat. ch. 44 <i>See 31:25</i>
326. <i>Trout Affidavit</i> , 30 Cal. L. Revision Comm'n Reports 319 (2000)	Enacted. 2000 Cal. Stat. ch. 167 <i>See 30:675</i>
327. <i>Expired Pilot Projects</i> , 30 Cal. L. Revision Comm'n Reports 327 (2000)	Enacted. 2001 Cal. Stat. ch. 115 <i>See 31:25</i>
328. <i>Law Library Board of Trustees</i> , 30 Cal. L. Revision Comm'n Reports 429 (2000)	Enacted. 2001 Cal. Stat. ch. 52 <i>See 31:25</i>
329. <i>Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases</i> , 30 Cal. L. Revision Comm'n Reports 443 (2000)	Enacted. 2001 Cal. Stat. ch. 812 <i>See 31:27</i>
330. <i>Civil Procedure: Technical Corrections</i> , 30 Cal. L. Revision Comm'n Reports 479 (2000)	Enacted. 2001 Cal. Stat. ch. 44 <i>See 31:25</i>
331. <i>Improving Access to Rulemaking Information Under the Administrative Procedure Act</i> , 30 Cal. L. Revision Comm'n Reports 517 (2000)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See 30:676</i>
332. <i>Administrative Rulemaking Cleanup</i> , 30 Cal. L. Revision Comm'n Reports 533 (2000)	Enacted. 2001 Cal. Stat. ch. 59 <i>See 31:25</i>

333. *Rulemaking Under Penal Code Section 5058*, 30 Cal. L. Revision Comm'n Reports 545 (2000) Enacted, 2001 Cal. Stat. ch. 141  
*See 31:26*
334. *Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain*, 30 Cal. L. Revision Comm'n Reports 567 (2000) Enacted, 2001 Cal. Stat. ch. 428  
*See 31:26*
335. *Estate Planning During Marital Dissolution*, 30 Cal. L. Revision Comm'n Reports 603 (2000) Enacted, 2001 Cal. Stat. ch. 417  
*See 31:26*
336. *Health Care Decisions Law: Miscellaneous Revisions*, 30 Cal. L. Revision Comm'n Reports 621 (2000) Enacted, 2001 Cal. Stat. ch. 230  
*See 31:26*
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## APPENDIX 4

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 44 OF THE STATUTES OF 2001 (SENATE BILL 562)

#### Civil Procedure Technical Corrections *and* Authority to Appoint Receivers

Chapter 44 of the Statutes of 2001 was introduced as Senate Bill 562 by Senator Bill Morrow. It implements two California Law Revision Commission recommendations: *Civil Procedure: Technical Corrections*, 30 Cal. L. Revision Comm'n Reports 479 (2000), and *Authority to Appoint Receivers*, 30 Cal. L. Revision Comm'n Reports 291 (2000). The revised Comments set out below supersede the comparable Comments in the recommendations and reflect amendments to the bill made during the legislative process.

#### **Code Civ. Proc. § 86 (amended). Miscellaneous limited civil cases**

**Comment.** Subdivision (a)(6) of Section 86 is amended to clarify the jurisdictional classification of a petition to release a mechanic's lien. This is declaratory of existing law. See Section 85 (limited civil cases) & Comment. See also Section 88 (unlimited civil case).

Subdivision (a)(6) is also amended to reflect elimination of the municipal courts as a result of unification with the superior courts pursuant to Article VI, Section 5(e), of the California Constitution. For reclassification of an action in a unified superior court, see Sections 403.010-403.090.

Subdivision (a)(8) is amended to delete the language on circumstances for appointment of a receiver in a limited civil case, and insert a cross-reference to Section 564, which now governs appointment of receivers in both limited and unlimited civil cases. The language deleted from the first clause of subdivision (a)(8) is continued in Section 564(b)(8), but broadened to apply to all cases. See Section 564 Comment. The language deleted from the second clause of subdivision (a)(8) is not continued, because it is redundant with Section 564(b)(3) and (b)(4).

**Code Civ. Proc. § 564 (amended). Appointment of receiver**

**Comment.** For purposes of simplification, Section 564 is broadened to govern appointment of a receiver in all cases, regardless of the jurisdictional classification of the case. Formerly, a separate provision governed appointment of a receiver in a limited civil case. 1998 Cal. Stat. ch. 931, § 29 (former Section 86(a)(8)).

Although Section 564 covers both limited and unlimited civil cases, some of the types of actions listed in the statute may only be brought as an unlimited civil case. For example, Section 564(b)(7) refers to appointment of a receiver where the Public Utilities Commission requests a receiver pursuant to Public Utilities Code Section 855 or 5259.5. Such a proceeding may only be brought as an unlimited civil case. See Section 85 & Comment.

To aid practitioners, subdivision (b)(5) of Section 564 is amended to refer to Section 565 (appointment of receiver on dissolution of corporation).

Subdivision (b)(9) (former subdivision (b)(8)) is amended to delete language authorizing appointment of a receiver “where receivers have heretofore been appointed by the usages of courts of equity,” and insert more readily understandable language formerly found in Section 86. This is not a substantive change. The deleted language conferred broad authority to appoint a receiver, but only where other remedies were found to be inadequate. See, e.g., *Golden State Glass Corp. v. Superior Court*, 13 Cal. 2d 384, 393, 90 P.2d 75 (1939) (superior court should appoint receiver only where necessary to “adequately protect the rights of the parties”); *Alhambra-Shumway Mines, Inc. v. Alhambra Gold Mine Corp.*, 116 Cal. App. 2d 869, 873, 254 P.2d 599 (1953) (where less severe remedy will adequately protect parties, court ordinarily should not appoint receiver); see also *Murray v. Murray*, 115 Cal. 266, 275, 47 P. 37 (1896) (in equity, receiver may be appointed where plaintiff has equitable claim to property and “receiver is necessary to preserve the same from loss”). Similarly, subdivision (b)(9) authorizes appointment of a receiver only “where *necessary* to preserve the property or rights of any party.” (Emphasis added.)

As before, the general language of subdivision (b)(9) does not override specific requirements enumerated elsewhere in the statute. See, e.g., *Marsch v. Williams*, 23 Cal. App. 4th 238, 246 n.8, 28 Cal. Rptr. 2d 402 (1994); *Dabney Oil Co. v. Providence Oil Co.*, 22 Cal. App. 233, 237, 133 P. 1155 (1913).

Subdivision (b)(10) (former subdivision (b)(9)) is amended to correct the cross-reference. Health and Safety Code Section 436.222 was repealed in 1995 and its substance recodified in Section 129173. See 1995 Cal. Stat. ch. 415, §§ 9, 79.5.

For other provisions concerning receivers, see Sections 565-570, 708.610-708.630, 712.060, 1422. See also Civ. Code § 3439.07; Corp. Code §§ 1801, 1803, 16504; Fam. Code § 290; Ins. Code §§ 1064.1-1064.12.

**Veh. Code § 16373 (amended). Certification to judgment creditor**

**Comment.** Section 16373 is amended to delete the reference to “docket entries,” and substitute a reference to the register of actions, because courts no longer maintain a record denominated a “docket” in civil cases. Formerly, justice courts maintained a docket in civil cases, which was a record of actions taken in open court, as well as documents filed and other proceedings in the case. See former Gov’t Code §§ 71614 (1953 Cal. Stat. ch. 206, § 1, repealed by 1977 Cal. Stat. ch. 1257, § 71) (judge of justice court shall keep a book denominated a “docket”), 71614.5 (1959 Cal. Stat. ch. 671, § 2, repealed by 1977 Cal. Stat. ch. 1257, § 72) (clerk or judge of justice court shall keep the “docket” and other records of the court). Now actions taken in open court are recorded in the minutes of a superior court. Gov’t Code § 69844; see also *Copley Press v. Superior Court*, 6 Cal. App. 4th 106, 110, 7 Cal. Rptr. 2d 841 (1992). Documents filed or lodged and other proceedings in a civil case are recorded in the register of actions. See Gov’t Code §§ 69845 (clerk of superior court may keep a register of actions), 69845.5 (alternative to maintaining register of actions in superior court).

The amendment also deletes the clause authorizing the judge to substitute for the clerk if there is no clerk. That provision is obsolete because every superior court has a clerk. See Gov’t Code §§ 24000(c) (county clerk), 26800 (county clerk as clerk of superior court). Additionally, a judge has authority to perform any act that a court clerk is allowed to perform. Code Civ. Proc. § 167.

**Veh. Code § 16376 (amended). Action against nonresident**

**Comment.** Section 16376 is amended to insert subdivisions and eliminate the reference to “the docket of a court not of record,” which is obsolete because all courts are “courts of record.” Cal. Const. art. VI, § 1.

**Veh. Code § 16379 (amended). Payment of judgment in installments**

**Comment.** Section 16379 is amended to delete the reference to “docket entries,” and substitute a reference to the register of actions, because courts no longer maintain a record denominated a “docket” in civil cases. Formerly, justice courts maintained a docket in civil cases, which was a record of actions taken in open court, as well as documents filed and other proceedings in the case. See former Gov’t Code §§ 71614 (1953 Cal. Stat. ch. 206, § 1, repealed by 1977 Cal. Stat. ch. 1257, § 71)

(judge of justice court shall keep a book denominated a “docket”), 71614.5 (1959 Cal. Stat. ch. 671, § 2, repealed by 1977 Cal. Stat. ch. 1257, § 72) (clerk or judge of justice court shall keep the “docket” and other records of the court). Now actions taken in open court are recorded in the minutes of a superior court. Gov’t Code § 69844; see also *Copley Press v. Superior Court*, 6 Cal. App. 4th 106, 110, 7 Cal. Rptr. 2d 841 (1992). Documents filed or lodged and other proceedings in a civil case are recorded in the register of actions. See Gov’t Code §§ 69845 (clerk of superior court may keep a register of actions), 69845.5 (alternative to maintaining register of actions in superior court).

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## APPENDIX 5

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 59 OF THE STATUTES OF 2001 (SENATE BILL 561)

#### Administrative Rulemaking

Chapter 59 of the Statutes of 2001 was introduced as Senate Bill 561 by Senator Bill Morrow. It implements a California Law Revision Commission recommendation on *Administrative Rulemaking Cleanup*, 30 Cal. L. Revision Comm'n Reports 533 (2000). The revised Comment set out below supersedes the comparable Comment in the recommendation and reflects an amendment to the bill made during the legislative process.

#### **Gov't Code § 11340.85 (amended). Legislative intent regarding Bureau of State Audits**

**Comment.** Section 11340.85 is amended to harmonize its requirements with those of former Section 11340.8.

Subdivision (b)(4) is amended to provide that agencies are required to accept comments by facsimile or electronic mail. The mandatory aspect of this rule is drawn from former Section 11340.8(a). Subdivision (b)(5) makes clear that an agency is not required to accept rulemaking petitions by facsimile or electronic mail.

Subdivision (c)(1) is amended to improve its clarity. This is a nonsubstantive change. Provisions requiring a “public notice” as defined in paragraph (1) include Sections 11346.4 (notice of proposed action), 11346.8(a) (notice of hearing), 11346.8(b) (notice of continuance or postponement of hearing), and Section 44 of Title 1 of the California Code of Regulations (notice of changes to proposed regulation).

Subdivision (c)(6)-(9) continues former Section 11340.8(b)(6)-(9) without substantive change.

Subdivision (f) continues the introductory statement of intent in former Section 11340.8 without substantive change.

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## APPENDIX 6

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 230 OF THE STATUTES OF 2001 (ASSEMBLY BILL 1278)

#### Health Care Decisions Law: Miscellaneous Revisions

Chapter 230 of the Statutes of 2001 was introduced as Assembly Bill 1278 by Assembly Member Howard Wayne. It implements the California Law Revision Commission recommendation on *Health Care Decisions Law: Miscellaneous Revisions*, 30 Cal. L. Revision Comm'n Reports 621 (2000). The revised Comment set out below supersedes the comparable Comment in the recommendation and reflects an amendment to the bill made during the legislative process.

#### **Health & Safety Code § 7100 (amended). Right to control disposition of remains**

**Comment.** Subdivision (a)(1) of Section 7100 is amended to make clear that an agent under a power of attorney for health care is not automatically liable for the costs of disposition of remains. The agent can be liable under this section, however, if the agent (1) makes a specific agreement to pay the costs of disposition or (2) makes decisions, in the absence of an agreement, that result in costs. In the latter case, where there is no specific agreement to pay, the agent is not liable unless the estate or other fund is insufficient. See Section 7100.1; see also Prob. Code §§ 11421 (payment of funeral expenses from estate), 11446 (funeral expenses from estate, not community property).

Subdivision (a)(1) is also amended to make clear that the rights and duties of agents under powers of attorney for health care are subject in the first instance to determination under the Health Care Decisions Law. Thus, if an agent has been granted authority to direct disposition of remains under Probate Code Section 4683(b)(3), then the agent would fall within this section, if the agent assumes that authority, and would be liable as provided in subparagraphs (A) and (B) of subdivision (a)(1). But if the agent has not been granted that authority, either explicitly or by a general grant of authority under the Health Care Decisions Law, the

agent does not have any rights, duties, or liabilities under Section 7100(a)(1).

The limitations in subdivision (a)(1) apply only to the person when acting as agent and not where the statute imposes a duty or liability based on some other relationship, such as a spouse under subdivision (a)(2) or a child under subdivision (a)(3).

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## APPENDIX 7

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 417 OF THE STATUTES OF 2001 (ASSEMBLY BILL 873)

#### Dissolution and Nonprobate Transfers

Chapter 417 of the Statutes of 2001 was introduced as Assembly Bill 873 by Assembly Member Tom Harman. It includes provisions implementing the California Law Revision Commission recommendations on *Effect of Dissolution of Marriage on Nonprobate Transfers*, 28 Cal. L. Revision Comm'n Reports 599 (1998), and *Estate Planning During Marital Dissolution*, 30 Cal. L. Revision Comm'n Reports 603 (2000). The new and revised Comments set out below supersede the comparable Comments in the recommendations and reflect amendments to the bill made during the legislative process.

#### **Fam. Code § 2040 (amended). Automatic temporary restraining order**

**Comment.** Section 2040 is amended to clarify the scope of the automatic temporary restraining order with respect to estate planning changes.

Subdivision (a)(4) restrains modification of a nonprobate transfer "in a manner that affects the disposition of property subject to the transfer." Modifications that are restrained as affecting the disposition of property include a change of beneficiary and a donor's modification of the terms of a power of appointment (this would not include exercise of a power of appointment by a donee). Modifications that are not restrained include naming a new trustee or successor trustee (so long as the change does not affect the trustee's powers or duties with respect to disposition of trust property).

Subdivision (b)(2) provides that the restraining order does not restrain revocation of a nonprobate transfer, provided that notice of the change has been filed and served on the other party. This does not mean that a nonprobate transfer is necessarily subject to revocation by one party

without the consent of the other party. The question of whether a nonprobate transfer is subject to unilateral revocation is governed by the terms of the nonprobate transfer and applicable substantive law. See, e.g., Prob. Code § 5506 (action by all surviving joint owners required to cancel beneficiary registration of jointly-owned security); 31 C.F.R. § 353.51 (2000) (restricting changes in ownership of jointly-owned Series EE savings bond).

Subdivision (b)(3) provides that the restraining order does not restrain elimination of a right of survivorship, provided that notice of the change has been filed and served on the other party. This is consistent with *Estate of Mitchell*, 76 Cal. App. 4th 1378, 91 Cal. Rptr. 2d 192 (1999) (restraining order does not restrain severance of joint tenancy).

Subdivision (b)(4) provides that the restraining order does not restrain creation of one or more revocable or irrevocable unfunded trusts. However, the transfer of property to fund a trust would be restrained under subdivision (a)(2). An unfunded trust created during a dissolution proceeding could serve as a receptacle for property subject to a pour-over provision in a will. Such a trust could also be funded by property that has been released from restraint by the restraining order.

Subdivision (d) defines “nonprobate transfer” for the purposes of this section. The definition expressly incorporates instruments described in Probate Code Section 5000, including a “marital property agreement.” Thus, an agreement between spouses as to how to divide community property between them on either of their deaths is a nonprobate transfer for the purposes of this section. See Prob. Code § 100(b) (agreement as to division of community property on death of spouse).

### **Prob. Code § 5600 (added). Failure of nonprobate transfer to former spouse**

**Comment.** Subdivision (a) of Section 5600 establishes the general rule that a nonprobate transfer to a former spouse fails if, at the time of the transferor’s death, the former spouse is not the transferor’s surviving spouse, due to the dissolution or annulment of their marriage. “Dissolution or annulment” does not include legal separation. This is consistent with the law governing wills. See Sections 6122(d), 6227. “Surviving spouse” is defined in Section 78. “Nonprobate transfer” does not include life insurance. See subdivision (e).

Paragraph (1) of subdivision (b) provides that a nonprobate transfer to a former spouse does not fail by operation of subdivision (a) if, at the time of the transferor’s death, the nonprobate transfer is not subject to revocation by the transferor. This precludes operation of subdivision (a) where a nonprobate transfer is irrevocable on execution, or later becomes irrevocable by the transferor (for reasons other than the death or

incapacity of the transferor). The irrevocability of a trust can be established by certification of the trust's contents. See Section 18100.5.

Paragraph (2) of subdivision (b) provides that a nonprobate transfer to a former spouse does not fail on the transferor's death if there is clear and convincing evidence that the transferor intended to preserve the nonprobate transfer. For example, if after divorcing, the transferor modified the beneficiary terms of a trust without changing the designation of the former spouse as primary beneficiary, this might be sufficiently clear and convincing evidence of the transferor's intent to preserve the nonprobate transfer to the former spouse so as to prevent the operation of subdivision (a).

Subdivision (c) governs the effect of failure of a nonprobate transfer under this section. For the effect of a failed nonprobate transfer of property, see Section 21111. For the effect of a failure of a trustee designation, see Section 15660.

Subdivision (d) makes clear that nothing in this section affects the rights of a good faith purchaser or encumbrancer for value who relies on the apparent failure of a nonprobate transfer under this section or who lacks knowledge of the failure of a nonprobate transfer under this section. For the purpose of this subdivision, "knowledge" of the failure of a nonprobate transfer includes both actual knowledge and constructive knowledge through recordation of a judgment of dissolution or annulment or other relevant document. See Civ. Code § 1213 (recordation as constructive notice to subsequent purchasers and mortgagees). The rights of a subsequent purchaser or encumbrancer are also protected if the purchaser or encumbrancer relies on an affidavit or declaration executed under Section 5602. The remedy for a person injured by a transaction with a subsequent purchaser or encumbrancer for value is against the transacting former spouse and not against the purchaser or encumbrancer.

In general, Section 5003 protects a property holder from liability for transferring the property according to the terms of the instrument making the nonprobate transfer, even if the nonprobate transfer has failed by operation of subdivision (a).

This section may be preempted by federal laws with respect to employer-provided benefits. See *Egelhoff v. Egelhoff*, 121 S. Ct. 1322 (2001) (ERISA preempts state law revoking spouse's rights as beneficiary of employer-provided life insurance). It is therefore especially important on dissolution or annulment of marriage to review beneficiary designations for employer-provided benefits.

**Prob. Code § 5601 (added). Severance of joint tenancy between decedent and former spouse**

**Comment.** Subdivision (a) of Section 5601 establishes the general rule that a joint tenancy between a decedent and the decedent's former spouse is severed if, at the time of the decedent's death, the former spouse is not the decedent's surviving spouse, due to the dissolution or annulment of their marriage. "Dissolution or annulment" does not include legal separation. This is consistent with the law governing wills. See Sections 6122(d), 6227. "Surviving spouse" is defined in Section 78. This effectively reverses the common law rule that dissolution or annulment of marriage does not sever a joint tenancy between spouses. See, e.g., *Estate of Layton*, 44 Cal. App. 4th 1337, 52 Cal. Rptr. 2d 251 (1996).

Note that property acquired during marriage in joint tenancy form is presumed to be community property on dissolution of marriage or legal separation. See Fam. Code § 2581. See also *In re Marriage of Hilke*, 4 Cal. 4th 215, 841 P.2d 891, 14 Cal. Rptr. 2d 371 (1992) (community property presumption applies after death of former spouse if court has entered judgment dissolving marriage and reserved jurisdiction over property matters). This section does not affect the community property presumption and does not affect property characterized as community property under that presumption.

This section applies to both real and personal property joint tenancies, and affects property rights that depend on the law of joint tenancy. See, e.g., Veh. Code §§ 4150.5, 5600.5 (property passes as though in joint tenancy). This section does not affect United States Savings Bonds, which are subject to federal regulation. See *Conrad v. Conrad*, 66 Cal. App. 2d 280, 284-85, 152 P.2d 221, 223 (1944) (federal law controls).

The method provided in this section for severing a joint tenancy is not exclusive. See, e.g., Civ. Code § 683.2.

Where a joint tenancy involves three or more joint tenants, severance by operation of this section converts the decedent's interest into a tenancy in common, but does not sever the joint tenancy as between the other joint tenants. For example, husband, wife, and a third person create a joint tenancy during husband and wife's marriage to each other. On husband's death, wife is not husband's surviving spouse and the joint tenancy is severed by operation of this section. Husband's one third interest becomes a tenancy in common and does not pass by survivorship. The remaining two thirds remain in joint tenancy as between the third person and the former wife.

Paragraph (1) of subdivision (b) provides that a joint tenancy is not severed by operation of subdivision (a) if the joint tenancy is not subject to severance by the decedent (for reasons other than the decedent's death). For example, if the decedent is subject to a court order or binding



agreement prohibiting severance of the joint tenancy by the decedent, then the joint tenancy is not severed by operation of subdivision (a).

Subdivision (c) makes clear that nothing in this section affects the rights of a good faith purchaser or encumbrancer who relies on an apparent severance by operation of this section or who lacks knowledge of a severance by operation of this section. For the purpose of this subdivision, “knowledge” of a severance of joint tenancy includes both actual knowledge and constructive knowledge through recordation of a judgment of dissolution or annulment or other relevant document. See Civ. Code § 1213 (recordation as constructive notice to subsequent purchasers and mortgagees). The rights of a subsequent purchaser or encumbrancer are also protected if the purchaser or encumbrancer relies on an affidavit or declaration executed under Section 5602. The remedy for a person injured by a transaction with a subsequent purchaser or encumbrancer is against the transacting joint tenant and not against the purchaser or encumbrancer.

**Prob. Code § 5603 (added). Court’s authority not limited**

**Comment.** Section 5603 clarifies the effect of this part.

**Prob. Code § 5604 (added). Application of part**

**Comment.** Section 5604 governs the application of this part.

Under subdivision (c), where a dissolution of marriage, or other event terminating a person’s status as a decedent’s surviving spouse occurs before January 1, 2000, that person’s rights as a nonprobate transfer beneficiary or joint tenant of the decedent are not affected by Section 5600 or 5601. See Section 78 (“surviving spouse” defined).

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## APPENDIX 8

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 428 OF THE STATUTES OF 2001 (ASSEMBLY BILL 237)

#### Eminent Domain

Chapter 428 of the Statutes of 2001 was introduced as Assembly Bill 237 by Assembly Member Lou Papan. It implements the California Law Revision Commission recommendation on *Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain*, 30 Cal. L. Revision Comm'n Reports 567 (2000). The new and revised Comments set out below supplement and supersede the comparable Comments in the recommendation, and reflect amendments made to the bill during the legislative process.

#### **Code Civ. Proc. § 1250.420 (added). ADR authorized**

**Comment.** Section 1250.420 is drawn from Government Code Section 11420.10 (ADR authorized in administrative adjudication). The section is intended to remove any question about the authority of a public entity to refer an eminent domain dispute for alternative dispute resolution. Alternative dispute resolution pursuant to this section is optional, applicable only on agreement of the parties. Nothing in this section limits any authority of parties in any other type of action or proceeding by agreement to refer a dispute that is the subject of the action or proceeding for resolution by alternative dispute resolution.

Under subdivision (a), the mediator may use any mediation technique.

Subdivision (c) parallels the procedure applicable in judicial arbitration. See Sections 1141.20-1141.21. A defendant who elects a trial de novo under this procedure may be subject to assessment of costs and litigation expenses; this is in effect a waiver of the defendant's general protection against assessment of costs and litigation expenses in an eminent domain proceeding. See, e.g., Section 1268.710 (court costs).

Standard protections of confidentiality of communications made in alternative dispute resolution apply to alternative dispute resolution pursuant to this section. See, e.g., Evid. Code §§ 1115-1128 (mediation), 703.5 (testimony by arbitrator or mediator).

**Code Civ. Proc. § 1250.430 (added). Stay of trial during ADR**

**Comment.** Section 1250.430 is intended to allow waiver of trial court delay reduction programs and other case processing requirements in order to facilitate productive alternative dispute resolution. This provision may be applied to foster resolution of some or all of the issues between the parties. Nothing in this section limits any authority of the court in any other type of action or proceeding to postpone the date of trial to enable resolution of a dispute by alternative dispute resolution.

**Code Civ. Proc. § 1255.010 (amended). Deposit of probable compensation**

**Comment.** Subdivision (b) of Section 1255.010 is amended to prescribe the contents of the written statement or summary of the basis for the deposit appraisal. The detail prescribed is the same as that prescribed for the moving party under Section 1255.030 (increase or decrease in amount of deposit) and for the written statement and summary under Government Code Section 7267.2 (precondemnation offer). The requirement in subdivision (b)(3) that the statement or summary include detail relating to damages to the remainder applies equally in a situation where no compensation for damages to the remainder is provided due to a complete offset by benefits to the remainder.

**Code Civ. Proc. § 1255.030 (amended). Increase or decrease in amount of deposit**

**Comment.** Section 1255.030 is amended to prescribe the supporting data that may be required for a motion to increase or decrease the amount of the deposit. The detail prescribed is the same as that prescribed for the written statement or summary under Section 1255.010 (deposit of probable compensation) and for the written statement and summary under Government Code Section 7267.2 (precondemnation offer). It should be noted that the information provided by the moving party under this section is protected from use at trial to the same extent as other evidence related to the deposit or withdrawal. See Section 1255.060 (limitations on use of evidence in connection with deposit).

**Code Civ. Proc. § 1258.220 (amended). Date of exchange**

**Comment.** Section 1258.220 is amended to make the exchange date 90, rather than 60, days before trial on the issue of compensation (but not earlier than nine months after the case was filed). As used in subdivision (b), “months” refers to calendar months. See Section 17(4).

The statutory exchange date of 90, rather than 60, days before trial remains subject to the authority of the court to provide relief on motion

of a party and showing of good cause. The practicalities of preparing sufficiently to enable a fair exchange within the prescribed period may, in the circumstances of a particular case, constitute good cause for a later exchange date. The need to commence trial within one year in order to preserve the date of valuation may, in the circumstances of a particular case (such as where the date of valuation is not otherwise established by a deposit of probable compensation), constitute good cause for an exchange date less than 90 days before commencement of trial on the issue of compensation. *Cf.* Sections 1263.110 (date of valuation fixed by deposit), 1263.120 (trial within one year).

**Code Civ. Proc. § 1260.040 (added). Resolution of legal issues affecting valuation**

**Comment.** Section 1260.040 is intended to provide a mechanism by which a party may obtain early resolution of an *in limine* motion or other dispute affecting valuation. It should be noted that the procedure provided in this section is limited to resolution of legal issues that may affect compensation; it may not be used to ascertain just compensation. *Cf.* Cal. Const. art. I, § 19 (just compensation ascertained by jury unless waived).

Nothing in this section precludes the use of other procedures for the same purpose, including, without limitation, bifurcation of issues and control of the order of proof pursuant to statute, or other pretrial procedure pursuant to court rule.

**Gov't Code § 7267.2 (amended). Precondemnation offer**

**Comment.** Section 7267.2 is amended to elaborate the written statement and summary requirement, and to make clear that the public entity may satisfy the requirement by providing the property owner a copy of the appraisal. The provision is drawn from California Code of Regulations, Title 25, Section 6182 (relocation assistance and real property acquisition guidelines). The detail prescribed is the same as that prescribed for the written statement and summary under Code of Civil Procedure Section 1255.010 (deposit of probable compensation) and for the moving party under Section 1255.030 (increase or decrease in amount of deposit). The elaboration provided in this section is not intended as an exclusive listing of the contents of the written statement and summary; other information may be required by law or may be otherwise necessary or desirable.

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## APPENDIX 9

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 812 OF THE STATUTES OF 2001 (ASSEMBLY BILL 223)

#### Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases

Chapter 812 of the Statutes of 2001 was introduced as Assembly Bill 223 by Assembly Member Dario Frommer. It includes provisions implementing the California Law Revision Commission recommendation on *Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases*, 30 Cal. L. Revision Comm'n Reports 443 (2000). The revised Comments set out below supersede the comparable Comments in the recommendation and reflect amendments to the bill made during the legislative process.

#### **Code Civ. Proc. § 425.10 (amended). Contents of complaint**

**Comment.** Section 425.10 is amended to conform the pleading requirements in limited and unlimited civil cases. In a complaint seeking actual or punitive damages for personal injury or wrongful death, the amount demanded should not be stated, regardless of the jurisdictional classification of the action. If the case is a limited civil case, however, the first page of the complaint must (1) identify the case as a limited civil case as required by Section 422.30, and (2) state whether the amount demanded exceeds \$10,000, so as to permit determination of the filing fee. See Gov't Code § 72055 (first filing fee in limited civil case). For format requirements, see Cal. R. Ct. Rule 201(f)(8).

Technical changes are also made for conformity with preferred drafting style.

#### **Gov't Code § 72055 (amended). First filing fee in limited civil case**

**Comment.** Subdivision (a) of Section 72055 is amended to delete the requirement that the amount of the demand in a limited civil case be stated on the first page of the first paper immediately below the caption.

It is sufficient to state whether the amount demanded exceeds \$10,000, so as to permit determination of the proper filing fee. For formatting requirements, see Cal. R. Ct. 201(f)(8). See also Code Civ. Proc. § 422.30 (caption of complaint in limited civil case shall identify case as a limited civil case). Technical changes are also made for conformity with preferred drafting style.

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## APPENDIX 10

### COMMISSION PUBLICATIONS

Since 1955, the California Law Revision Commission's annual reports, recommendations, and studies have been published in separate pamphlets, which are later bound in a small edition of hardcover volumes.

Beginning in 1991 (Volume 21), Commission publications have been assigned volume numbers on an annual basis. This enables the Commission to continue to print pamphlets without being committed to producing a hardcover volume at any particular time. Producing materials with an annual volume number also makes it easy for libraries to bind their own annual volumes. Cumulative tables and title pages are prepared in connection with each new bound volume. When the Commission's budget permits, this material is separately published to facilitate self-binding.

Individual pamphlets are assigned a sequential publication number to facilitate cataloging and ordering. The publication number is printed on the inside cover of each pamphlet since #189 (Volume 26) and publication numbers have been assigned retroactively to all pamphlets from the first in 1955.

#### **How To Obtain Law Revision Commission Publications**

Commission publications may be obtained from:

California Law Revision Commission  
4000 Middlefield Road, Room D-1  
Palo Alto, CA 94303-4739  
Tel: 650-494-1335

Payment in advance is generally required for publications that are available only by purchase. Checks or money orders should be made payable to the "California Law Revision Commission."

Orders should include the titles of the requested publications, the quantity desired, and the street address to which the order is to be sent (*not* a post office box number).

## Prices

The price of hardcover volumes of the Commission's *Reports, Recommendations, and Studies* is \$60. The charge is for the physical volume — thus, the combined Volume 21-22 is priced at \$60. California residents must add sales tax.

Printed reports in pamphlet form are available on request. The first copy is free and additional copies are available for the price indicated below.

Where applicable, the price of Commission pamphlets is determined by the number of pages, unless a special price has been set (as with booklets of, say, 400 pages or more):

10 or fewer pages:	\$5.50
11-50 pages:	\$8.50
51-100 pages:	\$18.00
101 or more pages:	\$25.00

Whether a charge will be imposed and the amount of the charge are subject to change without notice.

## Publication Table

The bound volumes and separate pamphlets listed below are available unless noted as being out of print. For some years, only a few copies remain. If a bound volume is out of print, individual pamphlets from that volume may still be available. Conversely, some pamphlets are unavailable on an individual basis, but can be found in available bound volumes.

Prices are indicated only for individual pamphlets that are still in print.

A frequently updated version of the publication list is available on the Internet at [www.clrc.ca.gov](http://www.clrc.ca.gov) — the Commission's website. The Internet version of the publication list also provides a current count of the number of remaining copies of the scarcer bound volumes.

## Key to Publication Table

The first column lists the publication number.

The second column gives the publication title, and includes a list of the recommendations and studies included within a pamphlet that contains more than one item.

In the third column, the first line lists the month and year of the publication, followed by a citation to the volume and page number

(in the format vol:page). The second line lists the number of pages in the pamphlet and gives its standard price, unless it is out of print (indicated by OOP).

<b>Volume 1 (1957)</b>		<b>[Hardcover Volume Out of Print]</b>	
#1	1955 [Annual] Report [for 1954] — includes: • Homestead Law and Probate Code Sections 640 to 646 • Summary Disposition of Small Estates Under Probate Code Sections 640 to 646	1/55 59 pp	1:1-1 OOP
#2	1956 [Annual] Report [for 1955] — includes: • Comparative Survey of the California Inheritance and Gift Tax Laws and the Federal Estate and Gift Tax Laws	3/56 63 pp	1:2-1 OOP
#3	1957 [Annual] Report [for 1956]	1/57 28 pp	1:3-1 OOP
#4	Maximum Period of Confinement in a County Jail — includes: • Maximum Period of Confinement in a County Jail (Rec) • Penal Code Section 19a and Related Code Sections (Study)	10/56 34 pp	1:A-1 OOP
#5	Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions — includes: • Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions (Rec) • Use of Motions and Orders To Show Cause in Connection with Awards of Attorney's Fees and Costs Pursuant to Civil Code Section 137.3 (Study)	11/56 13 pp	1:B-1 OOP
#6	Taking Instructions to the Jury Room — includes: • Taking Instructions to the Jury Room (Rec) • Whether the Jury Should Be Given a Copy of the Court's Instructions To Take into the Jury Room (Study)	11/56 17 pp	1:C-1 OOP
#7	Dead Man Statute — includes: • Dead Man Statute (Rec) • Whether the Dead Man Statute Should Be Modified or Repealed (Study)	2/57 54 pp	1:D-1 OOP
#8	Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere — includes: • Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere (Rec) • Whether Section 201.5 of the Probate Code Should Be Revised (Study)	12/56 39 pp	1:E-1 OOP
#9	Marital "For and Against" Testimonial Privilege — includes: • Marital "For and Against" Testimonial Privilege (Rec) • Whether the "For and Against" Testimonial Privilege of Married Persons Should Be Revised (Study)	11/56 20 pp	1:F-1 OOP
#10	Suspension of the Absolute Power of Alienation — includes: • Suspension of the Absolute Power of Alienation (Rec) • Whether the Sections of the Civil Code Prohibiting Suspension of the Absolute Power of Alienation Should Be Repealed (Study)	11/56 32 pp	1:G-1 OOP

#11	Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378	10/56 4 pp	1:H-1 \$5.50
#12	Judicial Notice of the Law of Foreign Countries — includes: • Judicial Notice of the Law of Foreign Countries (Rec) • Whether California Courts Should Take Judicial Notice of the Law of Foreign Countries (Study)	2/57 24 pp	1:I-1 OOP
#13	Choice of Law Governing Survival of Actions — includes: • Choice of Law Governing Survival of Actions (Rec) • Law Which Should Govern Survival of Actions Arising in Another State When Suit Is Brought in California (Study)	2/57 20 pp	1:J-1 OOP
#14	Effective Date of an Order Ruling on a Motion for New Trial — includes: • Effective Date of an Order Ruling on a Motion for New Trial (Rec) • Effective Date of New Trial Orders in Relation to Section 660 of the Code of Civil Procedure (Study)	2/57 27 pp	1:K-1 OOP
#15	Retention of Venue for Convenience of Witnesses — includes: • Retention of Venue for Convenience of Witnesses (Rec) • California Law Relating to Retention of Venue for Convenience of Witnesses (Study)	2/57 29 pp	1:L-1 OOP
#16	Bringing New Parties into Civil Actions — includes: • Bringing New Parties into Civil Actions (Rec) • California Law Relating to Bringing in New Parties in Civil Actions (Study)	2/57 24 pp	1:M-1 OOP

**Volume 2 (1959)**

[Hardcover Volume Out of Print]

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#17	1958 [Annual] Report [for 1957]	3/58 25 pp	2:I-1 \$8.50
#18	1959 [Annual] Report [for 1958] — includes: • Procedure for Appointing Guardians	1/59 29 pp	2:2-1 \$8.50
#19	Presentation of Claims Against Public Entities — includes: • Presentation of Claims Against Public Entities (Rec) • Presentation of Claims Against Public Entities (Study)	1/59 128 pp	2:A-1 \$25.00
#20	Right of Nonresident Aliens To Inherit — includes: • Right of Nonresident Aliens To Inherit (Rec) • Right of Nonresident Aliens To Inherit (Study)	1/59 32 pp	2:B-1 \$8.50
#21	Mortgages To Secure Future Advances — includes: • Mortgages To Secure Future Advances (Rec) • Mortgages To Secure Future Advances (Study)	11/58 26 pp	2:C-1 \$8.50
#22	Doctrine of Worthier Title — includes: • Doctrine of Worthier Title (Rec) • Whether the Doctrine of Worthier Title Should Be Abolished in California (Study)	1/59 38 pp	2:D-1 \$8.50

#23	Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving — includes: • Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving (Rec) • Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Driving While Intoxicated (Study)	11/58 22 pp	2:E-1 \$8.50
#24	Time Within Which Motion for New Trial May Be Made — includes: • Time Within Which Motions for New Trial and To Vacate Judgment May Be Made (Rec) • Time Within Which a Motion for a New Trial May Be Made When Notice of Entry of Judgment Has Not Been Given (Study)	11/58 16 pp	2:F-1 \$8.50
#25	Notice to Shareholders of Sale of Corporate Assets — includes: • Notice to Shareholders of Sale of Corporate Assets (Rec) • Notice to Shareholders of a Sale of All or Substantially All of the Assets of a Corporation (Study)	1/59 18 pp	2:G-1 \$8.50

**Volume 3 (1961)**

[Hardcover Volume Out of Print]

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#26	1960 [Annual] Report [for 1959]	3/60 15 pp	3:I-1 OOP
#27	1961 [Annual] Report [for 1960]	1/61 15 pp	3:2-1 OOP
#28	Evidence in Eminent Domain Proceedings — includes: • Evidence in Eminent Domain Proceedings (Rec) • Evidence in Eminent Domain Proceedings (Study)	10/60 65 pp	3:A-1 \$18.00
#29	Taking Possession and Passage of Title in Eminent Domain Proceedings — includes: • Taking Possession and Passage of Title in Eminent Domain Proceedings (Rec) • Taking Possession and Passage of Title in Eminent Domain Proceedings (Study)	10/60 66 pp	3:B-1 OOP
#30	Reimbursement for Moving Expenses when Property Is Acquired for Public Use — includes: • Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Rec) • Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Study)	10/60 36 pp	3:C-1 OOP
#31	Rescission of Contracts — includes: • Rescission of Contracts (Rec) • Rescission of Contracts (Study)	10/60 35 pp	3:D-1 OOP
#32	Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings — includes: • Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings (Rec) • Juvenile's Right to Counsel and the Designation of Nondelinquent Minor As "Ward of the Juvenile Court" (Study)	10/60 43 pp	3:E-1 OOP

#33	Survival of Actions — includes: • Survival of Actions (Rec) • Survival of Tort Actions (Study)	10/60 26 pp	3:F-1 OOP
#34	Arbitration — includes: • Arbitration (Rec) • Arbitration (Study)	12/60 64 pp	3:G-1 OOP
#35	Presentation of Claims Against Public Officers and Employees — includes: • Presentation of Claims Against Public Officers and Employees (Rec) • Presentation of Claims Against Public Officers and Employees (Study)	10/60 36 pp	3:H-1 OOP
#36	Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere — includes: • Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Rec) • Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Study)	10/60 35 pp	3:I-1 OOP
#37	Notice of Alibi in Criminal Actions — includes: • Notice of Alibi in Criminal Actions (Rec) • Notice of Alibi in Criminal Actions (Study)	10/60 22 pp	3:J-1 \$8.50

**Volume 4 (1963)**

[Hardcover Volume Out of Print]

#38	1962 Annual Report [for 1961]	3/62 23 pp	4:1 \$8.50
#39	1963 Annual Report [for 1962]	1/63 18 pp	4:101 \$8.50
#40	1964 Annual Report [for 1963]	12/63 46 pp	4:201 \$8.50
#41	Uniform Rules of Evidence: Article VIII. Hearsay Evidence — includes: • Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec) • Hearsay Evidence Article of the Uniform Rules of Evidence (Study)	8/62 319 pp	4:301 OOP
#42	Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings [The first three pamphlets (unnumbered) in Volume 3 also deal with the subject of condemnation law and procedure.] — includes: • Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings (Rec) • Pretrial Conferences and Discovery in Eminent Domain Proceedings (Study)	1/63 74 pp	4:701 \$18.00
#43	Sovereign Immunity: Number 1 — Tort Liability of Public Entities and Public Employees	1/63 86 pp	4:801 \$18.00
#44	Sovereign Immunity: Number 2 — Claims, Actions and Judgments Against Public Entities and Public Employees	1/63 94 pp	4:1001 \$18.00
#45	Sovereign Immunity: Number 3 — Insurance Coverage for Public Entities and Public Employees	1/63 14 pp	4:1201 \$8.50

#46	Sovereign Immunity: Number 4 — Defense of Public Employees	1/63 22 pp	4:1301 \$8.50
#47	Sovereign Immunity: Number 5 — Liability of Public Entities for Ownership and Operation of Motor Vehicles	1/63 8 pp	4:1401 \$5.50
#48	Sovereign Immunity: Number 6 — Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers	1/63 8 pp	4:1501 \$5.50
#49	Sovereign Immunity: Number 7 — Amendments and Repeals of Inconsistent Special Statutes	3/63 11 pp	4:1601 OOP

**Volume 5 (1963)**

[Hardcover Volume Out of Print]

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#50	Study Relating to Sovereign Immunity [Softcover publication has entire contents of hardcover volume except for the title page and some other front matter.]	1/63 568 pp	5:1 \$25.00
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**Volume 6 (1964)**

[Hardcover Volume Out of Print]

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#51	Uniform Rules of Evidence: Article 1. General Provisions — includes: • Uniform Rules of Evidence: Article 1. General Provisions (Rec) • General Provisions Article of the Uniform Rules of Evidence (Study)	4/64 74 pp	6:1 \$18.00
#52	Uniform Rules of Evidence: Article IX. Authentication and Content of Writings — includes: • Uniform Rules of Evidence: Article IX. Authentication and Content of Writings (Rec) • Authentication Article of the Uniform Rules of Evidence (Study)	1/64 70 pp	6:101 \$18.00
#53	Uniform Rules of Evidence: Article V. Privileges — includes: • Uniform Rules of Evidence: Article V. Privileges (Rec) • Privileges Article of the Uniform Rules of Evidence (Study)	2/64 301 pp	6:201 \$25.00
#54	Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility — includes: • Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility (Rec) • Uniform Rules of Evidence — Extrinsic Policies Affecting Admissibility (Study)	3/64 80 pp	6:601 \$18.00
#55	Uniform Rules of Evidence: Article IV. Witnesses — includes: • Uniform Rules of Evidence: Article IV. Witnesses (Rec) • The Witnesses Article of the Uniform Rules of Evidence (Study)	3/64 72 pp	6:701 \$18.00
#56	Uniform Rules of Evidence: Article II. Judicial Notice — includes: • Uniform Rules of Evidence: Article II. Judicial Notice (Rec) • The Judicial Notice Article of the Uniform Rules of Evidence (Study)	4/64 60 pp	6:801 \$18.00

#57	Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony — includes: • Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony (Rec) • The Uniform Rules of Evidence — Expert and Other Opinion Testimony (Study)	3/64 49 pp	6:901 \$8.50
#58	Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) — includes: • Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) (Rec) • Uniform Rules of Evidence — Burden of Producing Evidence, Burden of Proof, and Presumptions (Study)	6/64 148 pp	6:1001 \$25.00
#59	Uniform Rules of Evidence: Article VIII. Hearsay Evidence [same as 4:301] — includes: • Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec) • Hearsay Evidence Article of the Uniform Rules of Evidence (Study)	10/62 272 pp	6:ff-1150 OOP

## Volume 7 (1965)

[Hardcover Volume Out of Print]

#60	Evidence Code	1/65 394 pp	7:1 OOP
#61	Sovereign Immunity: Number 8 — Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees;	1/65 30 pp	7:401 \$8.50
#62	1965 Annual Report [for 1964]	1/65 16 pp	7:801 OOP
#63	1966 Annual Report [for 1965]	12/65 28 pp	7:901 OOP
#64	Evidence Code with Official Comments	8/65 338 pp	7:1001 \$25.00

## Volume 8 (1967)

[Hardcover Volume Out of Print]

#65	Annual Report [for 1966] — includes: • Discovery in Eminent Domain Proceedings	12/66 29 pp	8:1 \$8.50
#66	Evidence Code: Number 1 — Evidence Code Revisions	10/66 28 pp	8:101 \$8.50
#67	Evidence Code: Number 2 — Agricultural Code Revisions	10/66 34 pp	8:201 \$8.50
#68	Evidence Code: Number 3 — Commercial Code Revisions	10/66 13 pp	8:301 \$8.50



#69	Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property — includes: • Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property (Rec) • California Personal Injury Damage Awards to Married Persons [reprinted from 13 UCLA L. Rev. 587 (1966)] (Study)	10/66 43 pp	8:401 \$8.50
#70	Vehicle Code Section 17150 and Related Sections — includes: • Vehicle Code Section 17150 and Related Sections (Rec) • Imputed Contributory Negligence: The Anomaly in California Vehicle Code Section 17150 [reprinted from 17 Stan. L. Rev. 55 (1964)] (Study)	10/66 48 pp	8:501 \$8.50
#71	Additur — includes: • Additur (Rec) • Power of the Trial Court to Deny a New Trial on the Condition that Damages Be Increased [reprinted from 3 Cal. W. L. Rev. 1 (1966)] (Study)	10/66 58 pp	8:601 \$18.00
#72	Abandonment or Termination of a Lease — includes: • Abandonment or Termination of a Lease (Rec) • Whether the Rights and Duties Attendant upon the Termination of a Lease Should Be Revised [reprinted from 54 Cal. L. Rev. 1141 (1966)] (Study)	10/66 74 pp	8:701 \$18.00
#73	Good Faith Improver of Land Owned by Another — includes: • Good Faith Improver of Land Owned by Another (Rec) • Improving the Lot of the Trespassing Improver [reprinted from 11 Stan. L. Rev. 456 (1959)] (Study)	10/66 62 pp	8:801 \$18.00
#74	Suit By or Against an Unincorporated Association — includes: • Suit By or Against an Unincorporated Association (Rec) • Suit By Or Against An Unincorporated Association (Study)	10/66 42 pp	8:901 \$8.50
#75	Escheat	9/67 70 pp	8:1001 \$18.00
#76	Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems — includes: • Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems (Rec) • Possession Prior To Final Judgment in California Condemnation Procedure [reprinted from 7 Santa Clara Law. 1 (1966)] (Study)	9/67 149 pp	8:1101 \$25.00
#77	Annual Report [for 1967] — includes: • Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding • Improvements Made in Good Faith Upon Land Owned by Another • Damages for Personal Injuries to a Married Person as Separate or Community Property • Service of Process on Unincorporated Associations	12/67 110 pp	8:1301 \$25.00

**Volume 9 (1969)**

[Hardcover Volume Out of Print]

#78	Annual Report [for 1968] — includes: • Sovereign Immunity: Number 9 — Statute of Limitations in Actions Against Public Entities and Public Employees • Additur and Remittitur • Fictitious Business Names	12/68 76 pp	9:1 \$18.00
#79	Annual Report [for 1969] — includes: • Quasi-Community Property • Arbitration of Just Compensation • Evidence Code: Number 5 — Revisions of the Evidence Code • Real Property Leases • Statute of Limitations in Actions Against Public Entities and Public Employees	12/69 102 pp	9:81 OOP
#80	Mutuality of Remedies in Suits for Specific Performance — includes: • Mutuality of Remedies in Suits for Specific Performance • Mutuality of Remedies in California Under Civil Code Section 3386 (Cox) [reprinted from 19 Hastings L.J. 1430 (1968)]	9/68 32 pp	9:201 \$8.50
#81	Powers of Appointment — includes: • Powers of Appointment • Powers of Appointment in California [reprinted from 19 Hastings L.J. 1281 (1968)]	10/68 52 pp	9:301 \$18.00
#82	Real Property Leases	10/68 24 pp	9:401 \$8.50
#83	Evidence Code: Number 4 — Revision of the Privileges Article	11/68 13 pp	9:501 \$8.50
#84	Fictitious Business Names — includes: • Fictitious Business Names • Fictitious Business Names Legislation — Modernizing California's Pioneer Statute [reprinted from 19 Hastings L.J. 1349 (1968)]	10/69 80 pp	9:601 \$18.00
#85	Representations as to the Credit of Third Persons and the Statute of Frauds — includes: • Representations as to the Credit of Third Persons and the Statute of Frauds • Statute of Frauds and Misrepresentations as to the Credit of Third Persons: Should California Repeal Its Lord Tenterden's Act? [reprinted from 16 UCLA L. Rev 603 (1969)]	10/69 33 pp	9:701 \$8.50
#86	Sovereign Immunity: Number 10 — Revisions of the Governmental Liability Act: Nuisance; Entries for Survey and Examination; Immunity for Plan or Design of Public Improvement; Police and Correctional Activities; Medical, Hospital, and Public Health Activities; Ultrahazardous Activities; Liability for the Use of Pesticides	9/69 57 pp	9:801 \$18.00

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|-----|--|----------------|-----------------|
| #87 | “Vesting” of Interests Under the Rule Against Perpetuities — includes: | 10/69<br>20 pp | 9:901<br>\$8.50 |
|     | • “Vesting” of Interests Under the Rule Against Perpetuities (Rec)     |                |                 |
|     | • “Vesting” of Interests Under the Rule Against Perpetuities (Study)   |                |                 |

**Volume 10 (1971)**

[Hardcover Volume Out of Print]

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|-----|--|-----------------|--------------------|
| #88 | California Inverse Condemnation Law — includes:  | 6/71<br>433 pp  | 10:1<br>OOP        |
|     | • Ch. 1: The Scope of Legislative Power (Van Alstyne) [reprinted from 29 Stan. L. Rev. 727 (1967)]   |                 |                    |
|     | • Ch. 2: Inverse Condemnation Goals and Policy Criteria (Van Alstyne) [reprinted from 8 Santa Clara Law. 1 (1967)]   |                 |                    |
|     | • Ch. 3: Deliberately Inflicted Injury or Destruction (Van Alstyne) [reprinted from 20 Stan. L. Rev. 617 (1968)]   |                 |                    |
|     | • Ch. 4: Unintended Physical Damage (Van Alstyne) [reprinted from 20 Hastings L.J. 421 (1969)]   |                 |                    |
|     | • Ch. 5: Intangible Detriment (Van Alstyne) [reprinted from 16 UCLA L. Rev. 491 (1969)]  |                 |                    |
|     | • Ch. 6: Taking or Damaging by Police Power (Van Alstyne) [reprinted from 44 S. Cal. L. Rev. 1 (1970)]   |                 |                    |
|     | • Ch. 7: Recent Developments in California Inverse Condemnation Law (Sterling)   |                 |                    |
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|     | • Joinder of Claims, Counterclaims, and Cross-Complaints: Suggested Revision of the California Provisions (Study) [reprinted from 23 Stan. L. Rev. 1 (1970)] |                 |                    |
| #90 | Attachment, Garnishment, and Exemptions from Execution: Employees’ Earnings Protection Law   | 11/71<br>101 pp | 10:701<br>OOP      |
| #91 | Annual Report [for 1970] — includes:   | 12/70<br>56 pp  | 10:1001<br>\$18.00 |
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**Volume 11 (1973)**

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## Volume 12 (1974)

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#105	Condemnation Law and Procedure: The Eminent Domain Law	1/74 496 pp	12:1 OOP
#106	Annual Report [for 1974] — includes:	12/74	12:501
	• Payment of Judgments Against Local Public Entities	132 pp	\$25.00
	• View by Trier of Fact in a Civil Case		
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	• Agreements for Entry of Paternity and Support Judgments		
	• Enforcement of Claims and Judgments Against Public Entities		
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	• Recording Affidavit of Death		
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	• Effect of Quiet Title and Partition Judgments		
	• Dormant Mineral Rights		
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	• Rights Among Cotenants in Possession and Out of Possession of Real Property		

**Volume 18 (1986)**

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	• Dividing Jointly Owned Property Upon Marriage Dissolution		
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	• Abandoned Easements		
	• Distribution Under a Will or Trust		
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	• Litigation Expenses in Family Law Proceedings		
	• Civil Code Sections 4800.1 and 4800.2		
#153	Trust Law	12/85	18:501
		308 pp	OOP
#154	Probate Law — includes:	12/85	18:1001
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|      | • Proration of Estate Taxes                                  |                 |                    |
| #156 | Annual Report [for 1986] — includes:                         | 12/86<br>148 pp | 18:1701<br>\$25.00 |
|      | • Notice in Guardianship and Conservatorship Proceedings     |                 |                    |
|      | • Preliminary Provisions and Definitions of the Probate Code |                 |                    |
|      | • Technical Revisions in the Trust Law                       |                 |                    |

## Volume 19 (1988)

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| #157 | Probate Law — includes:   | 1/87<br>452 pp  | 19:1<br>\$25.00    |
|      | • Supervised Administration of Decedent's Estate  |                 |                    |
|      | • Independent Administration of Estates Act   |                 |                    |
|      | • Creditor Claims Against Decedent's Estate   |                 |                    |
|      | • Notice in Probate Proceedings   |                 |                    |
| #158 | Annual Report [for 1987] — includes:  | 12/87<br>162 pp | 19:501<br>\$25.00  |
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|      | • Administration of Estates of Missing Persons  |                 |                    |
| #159 | Probate Law — includes:   | 12/87<br>408 pp | 19:701<br>\$25.00  |
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|      | • Inventory and Appraisal   |                 |                    |
|      | • Opening Estate Administration   |                 |                    |
|      | • Abatement   |                 |                    |
|      | • Accounts  |                 |                    |
|      | • Litigation Involving Decedents  |                 |                    |
|      | • Rules of Procedure in Probate   |                 |                    |
|      | • Distribution and Discharge  |                 |                    |
|      | • Nondomiciliary Decedents  |                 |                    |
|      | • Interest and Income During Administration   |                 |                    |
| #160 | Annual Report [for 1988] — includes:  | 12/88<br>120 pp | 19:1151<br>\$25.00 |
|      | • Creditors' Remedies: Revival of Junior Liens Where Execution Sale Set Aside; Time for Setting Sale Aside; Enforcement of Judgment Lien on Transferred Property After Death of Transferor-Debtor |                 |                    |

## Volume 20 (1990)

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|      | • No Contest Clauses  |                 |                   |
|      | • 120-Hour Survival Requirement   |                 |                   |
|      | • Hiring and Paying Attorneys, Advisors and Others; Compensation of Personal Representative |                 |                   |
|      | • Multiple-Party Accounts in Financial Institutions   |                 |                   |
|      | • Notice to Creditors in Probate Proceedings  |                 |                   |
| #162 | Annual Report [for 1989] — includes:  | 12/89<br>118 pp | 20:185<br>\$25.00 |
|      | • Commercial Lease Law: Assignment and Sublease   |                 |                   |
|      | • Trustees' Fees  |                 |                   |

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	• Springing Powers of Attorney	60 pp	\$18.00
	• Uniform Statutory Form Power of Attorney		
#164	Probate Law — includes:	12/89	20:501
	• Notice to Creditors in Estate Administration	116 pp	\$25.00
	• Disposition of Small Estate by Public Administrator		
	• Court-Authorized Medical Treatment		
	• Survival Requirement for Beneficiary of Statutory Will		
	• Execution or Modification of Lease Without Court Order		
	• Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding		
	• Repeal of Probate Code Section 6402.5 (In-Law Inheritance)		
	• Access to Decedent's Safe Deposit Box		
	• Priority of Conservator or Guardian for Appointment as Administrator		
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	• Remedies of Creditor Where Personal Representative Fails to Give Notice		
	• Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)		
	• Disposition of Small Estate Without Probate		
	• Right of Surviving Spouse to Dispose of Community Property		
	• Litigation Involving Decedents		
	• Compensation in Guardianship and Conservatorship Proceedings		
	• Recognition of Trustees' Powers		
	• Access to Decedent's Safe Deposit Box		
	• Gifts in View of Impending Death		
	• TOD Registration of Vehicles and Certain Other State Registered Property		

**Volume 21 (1991)**

[Bound with Volume 22]

#172	Annual Report for 1991 — includes:	12/91	21:1
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#173	Recommendations — includes:	11/91	21:91
	• Relocation of Powers of Appointment Statute	148 pp	\$25.00
	• Miscellaneous Creditors' Remedies Matters		
	• Nonprobate Transfers of Community Property		
	• Notice of Trustees' Fees		
	• Nonprobate Transfer to Trustee Named in Will		
	• Preliminary Distribution Without Court Supervision		
	• Transfer of Conservatorship Property to Trust		
	• Compensation in Guardianship and Conservatorship Proceedings		
#174	Cumulative Tables for Bound Volumes 21-22 (1991-92)	7/93	21:T-1
		146 pp	\$10.00

**Volume 22 (1992)**

[Bound with Volume 21]

#175	Family Code	7/92	22:1
		830 pp	\$35.00
#176	Annual Report for 1992 — includes:	10/92	22:831
	• Litigation Involving Decedents (Revised)	188 pp	OOP
	• Standing to Sue for Wrongful Death		
	• Recognition of Agent's Authority Under Statutory Form Power of Attorney (Revised)		
	• Special Needs Trust for Disabled Minor or Incompetent Person		

**Volume 23 (1993)**

#177	1994 Family Code with Official Comments — includes:	11/93	23:1
	• 1994 Family Code	848 pp	\$25.00
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	• Reorganization of Domestic Violence Provisions		
#178	Annual Report for 1993 — includes:	11/93	23:901
	• Deposit of Estate Planning Documents	150 pp	\$25.00
	• Parent and Child Relationship for Intestate Succession		
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#179	Cumulative Tables for Bound Volume 23 (1993)	3/94	23:T-1
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#182	1995 Comprehensive Power of Attorney Law	11/94	24:323
		222 pp	\$25.00

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### Volume 26 (1996)

#189	Recommendations [1995-96] — includes: • Statute of Limitations in Trust Matters: Probate Code Section 16460 • Inheritance From or Through Child Born Out of Wedlock • Collecting Small Estate Without Administration • Repeal of Civil Code Section 1464: The First Rule in Spencer's Case • Homestead Exemption • Tolling Statute of Limitations When Defendant Is Out of State	8/96 106 pp	26:1 \$25.00
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### Volume 27 (1997)

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	• The Scope of Judicial Review of Decisions of California Administrative Agencies [reprinted as Asimow, The Scope of Judicial Review of Decisions of California Administrative Agencies, 42 UCLA L. Rev. 1157 (1995)] (Study)		
	• A Modern Judicial Review Statute to Replace Administrative Mandamus (Study)		
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### Volume 28 (1998)

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	• Trial Court Unification: Issues Identified for Future Study		
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	• Improving Access to Rulemaking Information Under the Administrative Procedure Act		
	• Administrative Rulemaking Cleanup		
	• Rulemaking Under Penal Code Section 5058		
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